

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

KIMBERLY C. CUTONE and
ANTHONY CUTONE,

Plaintiffs,

v.

ELI LILLY AND COMPANY,

Defendant.

CIVIL ACTION No. 04-CV-12725 (JLT)

**ELI LILLY AND COMPANY'S MOTION TO STRIKE
STATEMENT OF HAROLD SPARR**

Defendant Eli Lilly and Company (“Lilly”) hereby moves this Court to strike the “expert” statement of Mr. Harold Sparr (“Mr. Sparr”). Any testimony from Mr. Sparr is unreliable and adds no value to this case.

Plaintiff Kimberly Cutone (“Ms. Cutone”) alleges injuries caused by *in utero* exposure to a DES product taken by her mother Virginia Camporesi (“Ms. Camporesi”) in 1969/1970. Ms. Camporesi testified at deposition that she filled her DES prescription at Bayard Pharmacy in Allston. Plaintiffs have provided no statements from a pharmacist or other employee from this pharmacy. In order to prove that the pharmacy that Ms. Camporesi used dispensed a Lilly product to Ms. Camporesi, Plaintiffs have introduced a statement from Mr. Sparr on the Massachusetts DES market during the 1960’s.

This Court should bar Mr. Sparr’s statement for several reasons. Mr. Sparr is not an expert on the stocking and dispensing practices of Massachusetts pharmacies. Mr. Sparr is a retired pharmacist who works as an investigator for Plaintiffs’ attorney, Aaron Levine. In that role, Mr. Sparr sought out pharmacists in cases Mr. Levine filed against Lilly, interviewed them with no set list of questions and no organized notes, and solicited their help by a letter

referencing a suit involving the “Liability Insurance Company who insured Eli Lilly & Co.” Mr. Sparr then supplied those pharmacists who agreed to identify Lilly with a printed affidavit form to complete. This work on litigation has none of the hallmarks of scientific surveying that would support an expert opinion.

Further, Mr. Sparr has no background or experience in scientific surveys. The “survey” Mr. Sparr participated in was designed by Mr. Levine. This “survey,” addressed below, is flawed in many ways, not least by a selection process of happenstance, coincidence and convenience, not science. Mr. Sparr has no training in survey or market study techniques, has never completed any coursework in these areas, and completed his work for this litigation with constant oversight, direction and guidance from Plaintiffs’ attorney. His statement will not aid the Court in ruling on Lilly’s Motion for Summary Judgment, nor could it aid a jury at trial.

Finally, Mr. Sparr has no relevance as a fact witness in this case. He never worked at a pharmacy in Allston, Massachusetts and cannot pretend to have any personal knowledge of a dispensing pharmacy. Therefore, Lilly respectfully requests that this Court strike Mr. Sparr’s statement from the record.

I. MR. SPARR’S STATEMENT IS UNRELIABLE AND MUST BE EXCLUDED PURSUANT TO F.R.E. 702 AND DAUBERT.

Mr. Sparr’s statement concerning the market share for DES products in Massachusetts during the time period relevant to this case is inadmissible. The Court should bar the Sparr statement as unreliable and irrelevant under the standards set forth in Federal Rule of Evidence 702 and *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579, 589 (1993).

Mr. Sparr is a pharmacist, not a market researcher. *See Transcript of Deposition of Harold Sparr (“Sparr Tr.”) in Bohlin v. Eli Lilly and Company*, 03-CV-11577 (MEL) at 5-7, 116-119 (attached as Exhibit 1 to the Affidavit of Lauren E. Dwyer in Support of Eli Lilly and

Company's Motion to Strike the Statement of Harold Sparr ("Dwyer Aff."). He holds no degree in survey research, has completed no courses in survey techniques, and has never conducted a survey outside of the context of this litigation; he has no experience in the very field in which he is being offered as an expert. *See id.* at 126-128. Any methodology employed by Mr. Sparr was designed by Plaintiffs' attorney, as set out in correspondence from Plaintiffs' counsel to Mr. Sparr. *See* May 5, 2004 Letter from Aaron M. Levine, Esq., to Harold B. Sparr, R.Ph., D.Ph., M.S. ("Survey Letter") (attached as Exhibit 2 to Dwyer Aff.); *see also* Sparr Tr. at 159-163 (Dwyer Aff., Ex. 1). The survey was designed by Mr. Levine specifically for DES cases against Eli Lilly. *See* Survey Letter (Dwyer Aff., Ex. 2). Although Mr. Sparr testified that he has "perused" one text on survey techniques, *see* Sparr Tr. at 77 (Dwyer Aff., Ex. 1), this does not change the fact that he is a pharmacist, not a market researcher.

Additionally, Mr. Sparr works as an investigator for Plaintiffs' attorney. Interviews of pharmacists conducted by Mr. Sparr at the direction of Plaintiff's counsel were completed in cases in which Lilly was a defendant for the purpose of developing evidence to show that the DES involved in that case was made by Lilly. *See id.* at 92-93.

Mr. Sparr's experience can only speak to the pharmacies where *he actually worked*. As Ms. Camporesi did not fill her prescription for a DES product at a facility where Mr. Sparr was an employee, his testimony is irrelevant to this case. For these reasons, this Court should strike Mr. Sparr's statement regarding Lilly's market share for DES products in the Commonwealth of Massachusetts.

1. Federal Rule of Evidence 702 and *Daubert* Set the Standard for the Admissibility of Expert Testimony in this Case.

"Federal Rule of Evidence 702 'assign[s] to the trial judge the task of ensuring that an expert's testimony both rests on a reliable foundation and is relevant to the task at hand.''"

Cipollone v. Yale Indus. Prods., Inc., 202 F.3d 376, 380 (1st Cir. 2000) (quoting *Daubert*, 509 U.S. at 597). The Rule provides:

If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education may testify thereto in the form of an opinion or otherwise, if (1) the testimony is based upon sufficient facts or data, (2) the testimony is the product of reliable principles and methods, and (3) the witness has applied the principles and methods reliably to the facts of the case.

In *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, the Supreme Court established the gate-keeping role of trial judges in evaluating the admissibility of scientific evidence pursuant to Federal Rule of Evidence 702. *Daubert*, 509 U.S. 579, 592-5 (1993). The court set forth guidelines for federal judges in their evaluation of expert testimony under a two-pronged test to determine (1) whether the theory or methodology underlying the testimony is reliable and (2) whether the expert's theory or methodology will assist the fact-finder. *See id.*

Rule 702 and *Daubert* aid judges to ensure that proffered expert testimony "is the product of reliable principles and methods." Fed. R. Evid. 702. "[T]he trial court must decide whether the proposed testimony, including the *methodology* employed by the witness in arriving at the proffered opinion, 'rests on a *reliable foundation* and is *relevant* to the facts of the case.'" *Ed Peters Jewelry Co. v. C. & J. Jewelry Co.*, 124 F.3d 252, 259-60 (1st Cir. 1997) (citing *Daubert*, 509 U.S. at 597) (expert testimony that was "internally inconsistent and unreliable" excluded) (emphasis in the original).

The focus of the analysis under *Daubert* is on the principles and methodology used by the expert, not the actual conclusions reached by the expert. *See Daubert*, 509 U.S. at 595. The reliability requirement ensures that an expert's analysis is based on the scientific method and supported by appropriate validation. *See id.* at 590. Requiring that testimony be relevant to the facts of the case ensures that such testimony will assist the fact-finder to understand the evidence

or to determine a fact in issue, instead of prejudicing the other party or confusing the court. *See Kumho Tire Co. v. Carmicheal*, 526 U.S. 137, 152 (1999); *Daubert*, 509 U.S. at 590-2, 595. Federal District Courts serve as the gatekeepers to ensure that any expert testimony advances the issues in dispute at trial. *See Daubert*, 509 U.S. at 597. The trial court's role as gatekeeper prevents "...the introduction of evidence that is not relevant or is not reliable." *U.S. v. Patrick*, 6 F.Supp. 2d 51, 55 (D. Mass. 1998).

Courts typically consider several factors when assessing the reliability of proffered expert testimony. These factors, derived from *Daubert*, include:

(1) whether the opinion can be or has been tested; (2) whether the theory or technique on which the opinion is based has been subjected to peer review and publication; (3) the technique's known or potential error rate; (4) the existence and maintenance of standards controlling the technique's operations; and (5) "general acceptance."

Sutera v. Perrier Group of America, Inc., 986 F. Supp. 655, 661 (D. Mass. 1997); *see also United States v. Sampson*, 335 F. Supp. 2d 166, 218-219 (D. Mass. 2004) (identifying the five *Daubert* factors). *Daubert* requires that the expert testimony offered be based on a technique that can be or has been tested by the community of which the expert is or purports to be a member. In Mr. Sparr's case, his survey and other market research "investigations" have not been subjected to any such evaluation. As a result, Mr. Sparr's testimony would contravene this central requirement of *Daubert* because upon even a brief review it becomes clear that Mr. Sparr's survey is not based on *any* theory or test. *See* 509 U.S. at 593.¹ Viewing Mr. Sparr's lack of credentials and "survey" through this framework demonstrates the unreliability and, therefore, inadmissibility of his proffered testimony.

¹ Mr. Sparr's opinion regarding Lilly's DES market share also fails to satisfy *Daubert's* requirement that an expert's study be subject to peer review and publication. *See Daubert*, 509 U.S. at 593-95.

2. Mr. Sparr's "Survey" Was Designed by Plaintiffs' Counsel.

Mr. Sparr's experience in carrying out the "survey" designed by Plaintiffs' counsel does not make him an expert in the field of survey research. One study, completed at the direction of Plaintiffs' lawyer, to a design and to an end specified by counsel, does not transform a pharmacist into a market researcher who can aid a trier of fact through "expert testimony" in determining complex issues regarding the market share of DES products. *See Survey Letter* (Dwyer Aff., Ex. 2).

a. The Selection of Pharmacists to Survey Was Not Random.

The "market study" about which Mr. Sparr would testify began when surveys were sent to a *total* of approximately 376 pharmacists. The only two parameters in distributing these surveys were that the individual was *first licensed* in Massachusetts from 1963 through 1967 *and* was still practicing in 2004. *See* Sparr Tr. at 141-144, 156 (Dwyer Aff., Ex. 1). Mr. Sparr testified at deposition that approximately 4500-5000 pharmacists were licensed from 1963 through the present. *See id.* at 156-157. The determining criteria for the sample, then, aimed to survey pharmacists who were *first* licensed in years that Mr. Sparr considered -- on no known evidence -- the "peak" years of DES use and who were *still* licensed in 2004. Longevity of service is not related to the quality of the information available from those pharmacists first licensed between 1963 and 1967; this is selection by convenience, not science. Further, selection of pharmacists first licensed from 1963 through 1967 serves no informational purpose either. When a pharmacist was "first licensed" adds nothing to the likelihood that he or she will have knowledge on the subject of the market share for DES products. Again, convenience is the only criteria apparently applied by Mr. Sparr. This selection is not scientific, is based on no theory or process, and is completely unreliable for determining a proper sample of pharmacists. This unscientifically selected population was not tested in any way to see if it represented the

pharmacist population of Massachusetts for “the 1960s.” Nor was it tested against any geographical distribution of pharmacists in the state.

The limitations of the sample as to representativeness and distribution preclude reliance on data for any time. Did the respondents work in retail pharmacies or in the industry? Did they work in areas representative of the use of DES in Massachusetts during the “1960s”? These are two of the many issues left unanswered by Mr. Sparr’s survey. There was no initial attempt to define a population that mirrored all pharmacies in Massachusetts. The population was instead defined by convenience -- pharmacists who were *still* licensed in 2004 who had first been licensed in 1963 to 1967. The longevity of a pharmacist’s practice is simply no guide to the randomness of the study group. The only “randomness” in the study was in who responded to the questionnaire.

b. The “Survey” Did Not Ask the Question that Mr. Sparr Attempts to Answer.

The survey *did not ask* what brand of DES each pharmacy stocked. Instead, the only relevant question was:

If a customer’s prescription read “DES” “Stilbestrol” or “diethylstilbestrol” (in pregnancy sizes 5mg or 25mg) but no brand name was indicated, what brand would have been *primarily* dispensed? (emphasis in original).

Statement of Harold Sparr, Attachment 1 -- “Stilbestrol Survey for Pharmacists” (“Questionnaire”) (attached hereto as Exhibit 4 to Dwyer Aff.). If a store received prescriptions for DES, or stilbestrol, or diethylstilbestrol that *did* name a brand, this survey in no way elicits information on the brand dispensed. *See* Sparr Tr. at 213-215 (Dwyer Aff., Ex. 1). Further, the dosages of 5mg and 25mg had other uses and were “pregnancy doses” only in the terms of the Questionnaire. *See id.* at 167-174. Mr. Sparr did not determine whether the responding pharmacists carried the particular dosages of DES for other purposes besides treating accidents

of pregnancy, such as the suppression of lactation, postpartum observation, malignant neoplasms, breast cancer, types of bone cancer, hemorrhage problems, and prostate cancer. *See id.* at 165-166. DES products were prescribed for other conditions in the dosages included in the Questionnaire, but this “survey” would sweep all sales into a “market share” for use in pregnancy. Finally, there is *no* space provided in the Questionnaire to invite data on a pharmacist’s practice for filling brand name prescriptions or for identifying the types of other brands. Brand name specific prescriptions are simply excluded from the survey altogether.

Just as importantly, what does “primarily” dispensed mean? If the store carried three brands, should the responding pharmacist name one if it was used 35% of the time? If a pharmacy stocked two brands, should the pharmacist name the likely 51% choice? The Questionnaire is, in fact, useless to inform upon the question Mr. Sparr claims to pursue -- Lilly’s share of the DES product market in 5mg and 25mg dosages dispensed in Massachusetts.

c. Mr. Sparr Failed to Confirm the Accuracy of the 40 Year Old Memories of those who Responded to the Survey.

The survey purports to show what DES products were stocked in Massachusetts stores based on the 40-year-old memories of only those pharmacists who responded. Mr. Sparr did nothing to confirm the accuracy of *any* of the responses that he received regarding an individual’s memory of events occurring almost a half century ago. *See id.* at 160-161, 221-223. Further, Mr. Sparr did nothing to guard against outside resources influencing the results of the survey. He failed to confirm that the pharmacists surveyed were not consulting with others while answering the questions and “assumed they did it themselves.” *See id.* at 160-161. In fact, the survey presents no method to judge whether the memory of the respondent is based on *anything*. While DES products were taken off the market for pregnancy use by 1972, DES drugs were still dispensed for other purposes from that time until 2000. Nothing in the survey guarantees that

those Massachusetts pharmacists who did respond were recalling their pharmacy work from the 1960s and not their work over the subsequent three decades.

- d. The Response to the Survey is Completely Inadequate to Aid a Trier of Fact in Reaching a Conclusion Regarding the Market Share for DES Products in Massachusetts in the 1960s.

Mr. Sparr's "expert qualifications" regarding his ability to testify on Lilly's market share for DES products in Massachusetts rest largely on one survey for Plaintiffs' counsel. The problems described above demonstrate the failure of the survey. The survey was designed by Plaintiff's attorney with an aim at identifying Lilly's product. The sample group who received the survey is, in the first instance, insufficient to allow Mr. Sparr -- or anyone else -- to reach any conclusions regarding the market for DES products in Massachusetts during the 1960s. The sample group chosen was not random, and did not account for geographical differences or for differences in prescribing practices from one area to another. The process took no steps to confirm the accuracy of the 40-year-old recollections of the few who did respond, or to determine whether those who *did not* respond failed to do so because they could not recall the answers sought. Added to the fact that the central question of the survey is completely ambiguous regarding the brands of DES carried by a pharmacy, the unreliability of this survey becomes clear. In short, the "survey" shows no regard for any standards or techniques whatsoever.

Approximately 148 pharmacists responded to the survey. Faced with the limitations described above, only 79 responded that they worked in a Massachusetts store that stocked DES in the dosages about which the survey inquired. *See Survey Results to the Report of Harold Sparr, dated October 12, 2004, ("Survey Results") (attached as Exhibit 5 to Dwyer Aff.).* Only 71 of those surveyed named Lilly as the brand "*primarily*" dispensed. These 71 respondents represent approximately 1.4% of the total of 4500-5000 pharmacists that *Mr. Sparr* thought were

practicing in Massachusetts during the “1960s.” These responses, arrived at from an originally flawed sample population through ambiguous questions without any follow-up regarding the accuracy of the results, can give no sensible data to inform the jury. Therefore, the survey cannot serve as a basis for Mr. Sparr to testify as an expert on survey standards and techniques and, consequently, the market for DES products in Massachusetts. *See Daubert*, 509 U.S. at 593-5.

3. Mr. Sparr’s Additional “Expert” Experience is Limited to Interviews for Plaintiffs’ Lawyer in Cases Involving Lilly and Lack Any Scientific Methodology.

Mr. Sparr claims additional experience regarding the market share for DES products from two sources: the pharmacist interviews that he has conducted and the pharmacist statements and deposition testimony that Mr. Sparr has reviewed, all during his employment as an investigator for Plaintiffs’ counsel. All of these interactions and “market research” took place in the context of specific cases against Eli Lilly and, as with the survey, were conducted at the direction of Plaintiffs’ lawyer.

Over the course of his involvement with Plaintiffs’ attorney, Mr. Sparr has conducted interviews with pharmacists in relation to specific cases. These interviews would be conducted at Plaintiffs’ attorney’s direction, *see* Sparr Tr.. at 15, 18 (Dwyer Aff., Ex. 1), and, as Mr. Sparr testified, involved cases primarily against Lilly. *See id.* at 16. Further, when asked whether Plaintiffs’ counsel, in directing Mr. Sparr to conduct these interviews, was interested in a specific company, Mr. Sparr responded, “Absolutely....Eli Lilly and Company.” *Id.* at 15. Mr. Sparr stated that he conducted “maybe three dozen” such interviews for Plaintiffs’ counsel in connection with specific cases involving Lilly. *See id.* at 19. Beside the fact that these isolated “investigations” conducted at the direction of Plaintiffs’ counsel cannot possibly be used to extrapolate any information about the wider market for DES products in Massachusetts beyond

the specific pharmacies involved, the complete lack of methodology requires their exclusion from this Court's consideration of Mr. Sparr's credentials.

First, Mr. Sparr's clearly stated goal was to determine whether the pharmacist recalled *Lilly's* product. *See id.* at 57. He couldn't recall what materials were shown to which pharmacists, and stated that he maintains no formal notes recording his actions in this respect. *See id.* at 21-23, 55-57. However, Mr. Sparr did recall that any pill pictures or other materials that he brought with him to these interviews were of Lilly products and no others. *See id.* at 57. While Mr. Sparr acknowledged that "at least a hundred" other companies manufactured DES products during the 1960s, he made no effort to determine the market for any of these other drugs. *See id.* at 65-66, 106-107. Mr. Sparr stated that when he spoke to pharmacists over the phone, he would have mentioned Lilly but no other companies. *See id.* at 65-66. Correspondence from Mr. Sparr to another pharmacist following up on Mr. Sparr's work for Plaintiffs' counsel clearly states that the inquiry related to lawsuits involving "the Liability Insurance Company who insured Eli Lilly & Co." *See* Letter from Harold Sparr to George Friedman, dated December 5, 2003 (attached as Exhibit 6 to Dwyer Aff.). When a pharmacist identified Lilly, Mr. Sparr then mailed a pharmacist statement form created by Plaintiffs' attorney for use in the specific matter. *See* Sparr Tr. at 21 (Dwyer Aff., Ex. 1).

Second, Mr. Sparr did not use a script in interviewing pharmacists. *See id.* at 17, 83. He failed to take organized notes of all of his conversations with subjects, sometimes jotting bits and pieces of information on envelopes, and disregarded responses if they were not going to be helpful, eliminating any ability to retest his work. *See id.* at 21-23. If a pharmacist could not remember whether the pharmacy where that individual had worked stocked DES products, *and* what dosage was stocked, *and* the brand, *and* the wholesaler that the pharmacy used during the

1950s and 1960s, Mr. Sparr *discarded* the response and discarded that pharmacist's store from his analysis. *See id.* Hence, responses naming a company other than Lilly were discarded if the pharmacist did not recall the wholesaler who supplied the store.

As with the "survey," Mr. Sparr did nothing to confirm the accuracy of *any* of the responses that he received regarding an individual's memory of events occurring 40 years or more in the past. *See id.* at 94-97. In fact, when directly asked, "Did you do anything to find out if their memory about the DES they had in their store during the 1950s and 1960s was accurate?" Mr. Sparr responded, "No. How could I?" *Id.* Mr. Sparr could have searched for the prescription and purchase records of the stores in question; these steps were not taken. Any conclusions based on Mr. Sparr's interviews as described above must be excluded from this Court's determination of his qualifications as an expert.

The final purported area of experience that Mr. Sparr claims establishes his qualifications as an expert focuses on his review and follow-up interviews related to approximately 200 sworn, "randomly" collected statements and deposition transcripts. As with the other resources that supposedly qualify Mr. Sparr as an expert in the field of market research, all of these materials were provided to Mr. Sparr from Plaintiffs' counsel. *See id.* at 109. Of these 200 statements, only 20 were from individuals practicing in Massachusetts. *See id.* at 111. The statements were collected by Plaintiffs' counsel for prior cases, mainly against Lilly, and suffer from at least the same random sample and memory problems as Mr. Sparr's other sources of information. Litigation investigations aimed to identify Lilly as a proper defendant are neither random nor scientific, and provide no basis for qualifying Mr. Sparr as an expert to testify in this case.

4. Mr. Sparr's Personal Experience is Limited to Two Pharmacies.

Finally, Mr. Sparr's only other experience regarding pharmacy stocking and dispensing practices in Massachusetts is limited to his work at Sparr's Drugstore and Robert's Pharmacy,

from 1958-1971. *See* Sparr Tr. at 6-8, 69-76, 116-118 (Dwyer Aff., Ex. 1). As a result of the problems with Mr. Sparr's qualifications as an expert discussed above, any testimony that he could give in this case would be limited to his experience at his own drug stores. As Ms. Camporesi did not fill her prescription for a DES product at either of the pharmacies where Mr. Sparr worked, his personal experience and recollections represent inadmissible lay opinion testimony pursuant to Fed. R. Evid. 602 and 701. *See, e.g., Swajian v. General Motors Corp.*, 916 F.2d 31, 35 (1st Cir. 1990) (lay witness could not give opinion whether wheel separated from truck before truck rolled over when he did not see wheel leave vehicle and could not recall whether wheel was still on vehicle when he saw it rolling over; fundamental requirement of personal perception was missing); *see also, e.g. TLT-Babcock, Inc. v. Emerson Elec. Co.*, 33 F.3d 397, 400 (4th Cir. 1994) (witness obtained information on which opinion was based through reports he received from his staff and not through personal observations; witness's lay opinion, therefore, was not admissible.).

CONCLUSION

For the foregoing reasons, Lilly respectfully requests that the Court strike Mr. Sparr's Statement from the record. Lilly submits that Mr. Sparr's Statement is unreliable and will not assist the Court in understanding the evidence, thus warranting its exclusion pursuant to Federal Rule of Evidence 702 and *Daubert*.

REQUEST FOR ORAL ARGUMENT

Pursuant to L.R. 7.1, Lilly hereby requests a hearing on this motion.

Respectfully submitted,

ELI LILLY AND COMPANY

/s/ James J. Dillon
James J. Dillon (BBO # 124660)
Brian L. Henninger (BBO # 657926)
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155 Seaport Boulevard
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Boston, MA 02110-2600
(617) 832-1000

Dated: June 27, 2006

LOCAL RULE 7.1(A)(2) CONFERRAL CERTIFICATION

I, Lauren E. Dwyer certify that on June 27, 2006, I conferred with Plaintiffs' counsel regarding Lilly's Motion to Strike Statement of Harold Sparr. Plaintiffs' counsel does not consent to the Motion.

/s/ Lauren E. Dwyer

Certificate of Service

I hereby certify that these documents filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non registered participants on June 27, 2006.

Aaron M. Levine, Esq. Aaron M. Levine & Associates 1320 19 th Street, N.W. Suite 500 Washington, D.C. 20036 Attorney for Plaintiffs	Sheila Mone Kenneth M. Levine & Associates 370 Washington Street Boston, MA 02445 Attorney for Plaintiffs
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/s/ James J. Dillon
James J. Dillon (BBO # 124660)

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

KIMBERLY C. CUTONE and
ANTHONY CUTONE,

Plaintiffs,

v.

ELI LILLY AND COMPANY,

Defendant.

CIVIL ACTION No. 04-CV-12725 (JLT)

**AFFIDAVIT OF LAUREN E. DWYER IN SUPPORT OF ELI LILLY AND COMPANY'S
MOTION TO STRIKE THE STATEMENT OF HAROLD SPARR**

I, Lauren E. Dwyer, being first sworn on oath, say that the following is true and correct:

1. I am an attorney at Foley Hoag LLP, counsel for Eli Lilly and Company ("Lilly")

in this action. I am duly admitted to practice in the District of Massachusetts.

2. Attached as Exhibit 1 are true copies of excerpts from the deposition transcript of

Harold B. Sparr in *Bohlin v. Eli Lilly and Company*, 03-CV-11577 (MEL) (D. Mass. Dec. 7, 2004).

3. Attached as Exhibit 2 is a true copy of a letter from Aaron M. Levine, Esq., to Harold B. Sparr, R.Ph., D.Ph., M.S., dated May 5, 2004.

4. Attached as Exhibit 3 is a true copy of a List of Pharmacists Surveyed by Harold Sparr, dated April 23, 2004.

5. Attached as Exhibit 4 is a true copy of Attachment 1 to the Report of Harold Sparr, dated October 12, 2004 and titled "Stilbestrol Survey for Pharmacists".

6. Attached as Exhibit 5 is a true copy of the Report of Harold Sparr, dated October 12, 2004.

7. Attached as Exhibit 6 is a true copy of a letter from Harold Sparr to George Friedman, dated December 5, 2003.

Dated: June 27, 2006

Lauren E. Dwyer
Lauren E. Dwyer

Sworn before me this 27th day of June, 2006

Jessica L. Cushman
Notary Public:
My commission expires: 12/21/2012

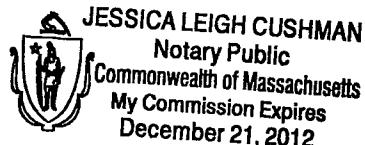


EXHIBIT 1

1

1 VOLUME I
2 PAGES 1 - 237
3 EXHIBITS Per Index
4
5 UNITED STATES DISTRICT COURT
6 DISTRICT OF MASSACHUSETTS
7 -----x
8 NANCY A. BOHLIN, INDIVIDUALLY,
9 AND AS MOTHER AND NEXT FRIEND OF
10 SAMANTHA A. BOHLIN, A MINOR, Civil Action
11 Plaintiff No. 03-CV-11577
12 v. (MEL)
13 ELI LILLY AND COMPANY,
14 Defendant
15 -----x
16
17 DEPOSITION OF HAROLD B. SPARR
18 Tuesday, December 7, 2004
19 Foley Hoag, LLP
20 155 Seaport Boulevard
21 Boston, Massachusetts
22
23 REPORTER: Virginia L. Barry, RPR/CSR
24 Sparr, Harold (12/7/04)

Sparr, Harold (12/7/04)

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1 Attorney Patricia Stanford?

2 A. About 11 months.

3 MR. LEVINE: I think you mean

4 retained, as opposed to employed. We don't take out
5 taxes.

6 THE WITNESS: Right.

7 Q. So Mr. Levine's interjection is that
8 you're an independent contractor employed by him; is
9 that correct?

10 A. Correct.

11 Q. And is that your only employment at
12 present, working for these two attorneys?

13 A. Well, I'm an on call pharmacist at a
14 hospital in Brookline, but I haven't been called in
15 the past year.

16 Q. I'm going to go back to your employment by
17 these two attorneys in a minute. Let me go through
18 a little bit about my understanding about your
19 background. Am I correct, sir, that you attended
20 and graduated from the Massachusetts College of
21 Pharmacy, graduating in 1955?

22 A. That's correct.

23 Q. Am I correct also in looking at an exhibit
24 to your report that following that graduation you (2/7/04)

1 served in the United States Army; is that correct?

2 A. Correct.

3 Q. So that was from 1956 to 1958; is that
4 correct?

5 A. Correct.

6 Q. And you were in Germany at that time?

7 A. For one year.

8 Q. For those two years am I correct in
9 understanding that you were not practicing as a
10 pharmacist in Massachusetts?

11 A. I was practicing as a pharmacist in
12 California and in Germany.

13 Q. And you were not practicing as a
14 pharmacist in Massachusetts for those two years; is
15 that correct?

16 A. That's correct.

17 Q. Now, your CV or resume states that between
18 1958 and 1969 you were at Sparr's Pharmacy in
19 Boston, Massachusetts?

20 A. Sparr's Drugstore.

21 Q. I'm sorry, Sparr's Drugstore in Boston,
22 Massachusetts; correct?

23 A. Correct.

24 Q. And was that the pharmacy or drugstore 12/7/04)

1 where you practiced pharmacy between 1958 and 1969?

2 A. Yes.

3 Q. And your resume also indicates that in

4 1970 you were at Robert's Pharmacy in Belmont; is

5 that correct?

6 A. That's correct, I purchased it.

7 Q. And you purchased it in 1970?

8 A. In December, '69.

9 Q. And after you made that purchase did you

10 practice as a pharmacist at the Robert's Pharmacy in

11 Belmont, Massachusetts?

12 A. That's correct.

13 Q. And for 1970 was that the only pharmacy

14 where you practiced pharmacy?

15 A. Yes.

16 Q. How long did you stay at the Robert's

17 Pharmacy?

18 A. Until 1976.

19 Q. Now, between 1958 and 1971, I'm going to

20 be, I realize that you have experience after that,

21 but between 1958 and 1971 is it accurate to say that

22 your experience as a practicing pharmacist was

23 limited to first the Sparr's Drugstore and then

24 Robert's Pharmacy? Sparr, Harold (12/7/04)

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1 was?

2 A. This information was valuable in
3 determining pharmacists' market share of the
4 particular drug, and some of these statements were
5 to be used in certain cases.

6 Q. And for the statements that were to be
7 used in particular cases were you directed to try
8 and find pharmacists from a particular location,
9 from a particular pharmacy?

10 A. Yes.

11 Q. And that direction would come from
12 Mr. Levine's office; is that correct?

13 A. Yes.

14 Q. And with respect to the other part, the
15 market share, what was your understanding of what
16 "market share" meant?

17 A. The percentage of prescriptions that a
18 particular company had.

19 Q. And were you aware of any particular
20 company that Mr. Levine was interested in examining?

21 A. Absolutely.

22 Q. And what was the name of that company?

23 A. Eli Lilly and Company.

24 Q. And why did Mr. Levine tell you that he

1 wanted to examine Eli Lilly and Company?

2 A. Because 98 percent of the people that I
3 spoke to, pharmacists that I had spoken to have told
4 me that that was the brand that they used.

5 Q. Now, that's after the fact, this is after
6 you spoke to people; is that correct?

7 A. Correct.

8 Q. So before you did any of your interviews,
9 what did Mr. Levine tell you about his interest in
10 Eli Lilly and Company and its market share?

11 A. He told me that there was ongoing
12 litigation with plaintiffs that have been harmed by
13 their mothers ingesting the diethylstilbestrol.

14 Q. Yes. And what else did he tell you?

15 A. He asked me to get statements from
16 pharmacists that were working during the 1950s and
17 the 1960s.

18 Q. With respect to Eli Lilly and Company,
19 what else did Mr. Levine tell you about Lilly and
20 the litigation interest he had in Eli Lilly and
21 Company?

22 A. He just told me that the majority of the
23 cases that he had was against Eli Lilly.

24 Q. Now, in terms of -- I'll come back to (12/7/04)

1 this, let me just drop that for a minute.

2 After this meeting with Mr. Levine in
3 November, approximately, of 2003, what was the next
4 thing you did with respect to the work for
5 Mr. Levine?

6 A. I started calling pharmacists that I knew
7 that were either classmates of mine or other
8 pharmacists that I knew through the organizations
9 that I belong to and that I'm friendly with, and I
10 asked them if they would sign a statement.

11 Q. Did you have a script that you used?

12 A. I did not.

13 Q. Did you ask them the same thing every
14 time?

15 A. Yes.

16 Q. What did you ask them?

17 A. I asked them if they remembered what brand
18 of di -- I asked them if they stocked
19 diethylstilbestrol, and if they said yes, I asked
20 them what brand of diethylstilbestrol did they
21 stock, and I also asked them what wholesaler they
22 had purchased from.

23 Q. Is that the only thing that you asked

24 them? Sparr, Harold (12/7/04)

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1 A. Well, I asked them what year they
2 graduated from college, what college they graduated
3 from. I asked them -- well, I knew what their names
4 were. I asked them their address, and where the
5 store was located.

6 Q. How did you select the people that you
7 were calling on this?

8 A. I, through my activities in the alumni
9 association, the Mass. College of Pharmacy, I knew a
10 lot of pharmacists, and I just started calling at
11 will.

12 Q. And did you ask these pharmacists what
13 dosages of the DES they had?

14 A. Yes.

15 Q. So, okay, and what did you -- did you
16 prompt them at all about any of the doses?

17 A. Absolutely not.

18 Q. You're clear about that, you wouldn't have
19 asked people if they had 5-milligram, for example,
20 or .5-milligram?

21 A. I asked them what strengths they had in
22 the store.

23 Q. And if they didn't remember, did you say
24 anything to help them to remember what dosages the/04)

1 drug came in?

2 A. No.

3 Q. Are you sure that you didn't do

4 anything --

5 MR. LEVINE: You don't have to ask him

6 is he sure, he's answering under oath, he knows what

7 an oath is.

8 Q. Okay. How many -- I'm sorry. How many

9 pharmacists did you call up in the course of

10 investigations directed by Mr. Levine for particular

11 cases?

12 A. I don't have an exact number, but if you

13 want me to guess, I would probably say about three

14 dozen.

15 Q. Well, let me take that group for a little

16 bit. How would your investigations for a particular

17 case in a particular identification project begin,

18 how did it start?

19 A. Well, I would receive a letter or a phone

20 call from Aaron Levine's office, and I would go to

21 the computer, and I would go to mass.gov, and go to

22 Occupations, and go to the Board of Pharmacy, and

23 that gave me information about pharmacists and

24 pharmacies, and I would type in the name of the (2/7/04)

1 Q. And did you -- I'm sorry, you already
2 answered that you said you kept a copy of the
3 statements that you obtained from pharmacists; is
4 that right?

5 A. Yes, correct.

6 Q. And that pharmacist statement, was that on
7 a form that you used?

8 A. Yes.

9 Q. And was that form supplied by Mr. Levine?

10 A. Yes.

11 Q. Did you keep notes of your conversations
12 with the pharmacists that you spoke to?

13 A. Some of them.

14 Q. And so I take it you didn't keep notes on
15 all of the conversations; is that right?

16 A. Correct I made notations in my date book
17 as to who I spoke to that day.

18 Q. Did you attempt to record what you learned
19 from the pharmacists that you were interviewing?

20 A. Well, I would know whether or not to go
21 forward with that particular pharmacist or try a
22 different avenue if I couldn't get a positive
23 result.

24 Q. For the ones that you didn't get a result (12/7/04)

1 positive result on, did you keep any notes about
2 your conversations with them?

3 A. No, I basically just crossed them off the
4 list.

5 Q. When you said you didn't get a positive
6 result on some, how did you define a "positive
7 result," Mr. Sparr?

8 A. If they could recall stocking the
9 diethylstilbestrol, and if they could recall what
10 brand they had on the shelf, and if they recalled
11 what strengths they had.

12 Q. So you would need to have all three of
13 those things before it was a positive result; is
14 that correct?

15 A. Yes, and what wholesaler.

16 Q. And for the wholesaler, was that also --
17 now there are four items that are important for
18 there to be a positive result, wholesaler,

19 strengths, stocking DES --

20 A. And brand.

21 Q. -- and brand?

22 A. That's correct.

23 Q. I'm sorry, I need to go back to this for a
24 minute, but with respect to any pharmacist who 12/7/04)

1 didn't hit all of those four criteria for a positive
2 result, did you retain, are there any of those that
3 you -- I'm sorry, would it be your practice to keep
4 notes for the pharmacist who did not meet those four
5 criteria for a positive response?

6 A. Some I did and some I didn't, only because
7 I would write information on an eight-and-a-half by
8 11 sheet or the back of an envelope, I would cross
9 out certain ones.

10 Q. And have you retained those notes that you
11 took in the course of these interviews by phone?

12 A. Repeat the question, please.

13 Q. Yes. Have you kept the notes?

14 A. I have some of them.

15 Q. Is there any pattern that determined how
16 you kept the notes or is it simply a relatively
17 random factor about having notes or not having
18 notes?

19 A. It was a random factor.

20 Q. Now, for Mr. Levine, let me now ask about
21 a different category. You mentioned that there were
22 some pharmacist's interviews that you did for
23 particular cases, and we've just been talking about
24 that. What was the other categories offarold (12/7/04)

1 MR. LEVINE: Of all the investigations

2 he's done?

3 Q. Of all the investigations he's done for

4 Mr. Levine?

5 MR. LEVINE: He must have gotten

6 photographs of a hundred different manufacturers,

7 and he's seen the book.

8 MR. DILLON: Mr. Levine, Mr. Sparr is

9 going to have to answer the questions.

10 MR. LEVINE: He said some of them, now

11 you're --

12 Q. Mr. Sparr --

13 A. Yes.

14 Q. -- in this case, in respect to this letter

15 of April 20th, Mr. Levine sent you a photograph of

16 Lilly's DES bottle and 25-milligram pills?

17 A. Correct.

18 Q. What did you use that photograph for?

19 MR. LEVINE: If you recall?

20 A. I don't recall.

21 Q. Did you use that photograph?

22 A. I might have.

23 Q. And if you might have, in what context

24 would you have used it? Sparr, Harold (12/7/04)

1 A. As a reference.

2 Q. Would you have used it to show to any
3 pharmacist who might be interviewed about this
4 particular case?

5 A. I might have.

6 Q. Would you show it to the plaintiff's
7 mother that she might have her memory --

8 A. No.

9 Q. You would not, you would not deal with the
10 plaintiff's mother?

11 A. No.

12 Q. But when you got this photograph, that
13 would suggest that if you could show it to a
14 pharmacist, that some of these interviews that you
15 did were in person?

16 A. That what?

17 Q. Some of the interviews that you did were
18 in person; is that correct?

19 A. Correct, but I didn't necessarily show
20 them the picture.

21 Q. Are there any instances you can remember
22 where you brought the picture to an interview with a
23 pharmacist and showed it to them?

24 A. I can't remember. Sparr, Harold (12/7/04)

1 Q. You can't remember one way or the other;

2 is that correct?

3 A. I can't remember who I showed pictures to

4 and who I didn't show pictures to.

5 Q. So I take it that you do remember there

6 were some instances when you did show the pharmacist

7 the picture?

8 A. A few.

9 Q. When you went to interview those

10 pharmacists, did you carry with you photographs of

11 any DES other than Eli Lilly and Company's?

12 A. No.

13 Q. Did you understand when you were

14 interviewing those pharmacists that the goal was to

15 see if the pharmacist would remember Eli Lilly and

16 Company as the drug that they had?

17 A. Yes.

18 MR. LEVINE: That's not what you just

19 told him before. You just told him you were asked

20 about what brands they have. He's trying to make

21 you out as a Lilly attacker.

22 MR. DILLON: Mr. Levine, I'd really

23 like Mr. Sparr, who is designated as an expert

24 witness, to be able to answer these questions. (12/7/04)

1 company?

2 A. No.

3 Q. Okay. And what is the basis for your
4 belief that the lawsuits involved the insurance
5 company at all?

6 A. Because normally manufacturers had
7 liability insurance.

8 Q. Did you tell -- did you tell the
9 individuals that you called in your telephone
10 solicitations that you were involved in a particular
11 lawsuit on behalf of a particular individual against
12 Eli Lilly and Company?

13 MR. LEVINE: He's not involved --

14 A. I never mentioned the individual.

15 MR. LEVINE: He's not involved in the
16 lawsuit.

17 Q. I may have misphrased it, but I see. So
18 both in this letter to Mr. Friedman and in the
19 telephone inquiries, did you mention this fact that
20 you believed that the lawsuits involved liability
21 insurance for Eli Lilly and Company's insurers?

22 A. Maybe once or twice.

23 Q. Did you ever mention that they involved
24 liability insurance for Bristol-Meyers Squibb (12/7/04)

1 insurance companies?

2 A. No.

3 Q. Did you ever mention that it may involve

4 liability insurance coverers for Merck?

5 A. No.

6 Q. Or Abbott Laboratories?

7 A. No.

8 Q. Or American Pharmaceutical Corporation?

9 A. No.

10 Q. Or Premo Pharmaceutical?

11 A. No.

12 Q. If you mentioned it at all, the only one

13 you mentioned was Lilly; is that right?

14 A. Correct.

15 MR. DILLON: I'm going to have a

16 photocopy of this and mark this as Exhibit 5.

17 (Letter, 12/5/03 marked as Exhibit No.

18 5 for identification.)

19 Q. Mr. Sparr, in that same envelope there is

20 a photocopy of a newspaper article, and it says,

21 Nicholas Fomaro; can you tell me what that is,

22 please?

23 A. This is an article that appeared in The

24 Patriot Ledger about a particular pharmacist that 1/7/04)

1 contacted, and it was sent to me from another
2 pharmacist.
3 Q. And you would have that information so
4 that you could be informed about the individuals you
5 were talking with?

6 A. Correct.

7 Q. Mr. Sparr, in this envelope there's also a
8 letter, November 21st, I believe it's 2003; could
9 you tell me what that is, please, it's addressed to
10 you?

11 A. This is concerning a case that Mr. Levine
12 sent to me where the prescription was filled at
13 Sparr's Drugstore.

14 Q. And lastly in this pile, Mr. Sparr, there
15 is a yellow pad, lined yellow pad; could you tell
16 me, please, what this is?

17 A. These are names of some pharmacists that I
18 contacted, some information about one of the cases.

19 Q. And could you tell me what case that's
20 about, I'm trying to figure out, because I'm going
21 to ask you about, in summary, about the notes that
22 you have for interviews; do you know what the case
23 was that those notes --

24 A. The first one was a Jennifer Maitre, ID (12/7/04)

1 M A I T R E, the second one was Jennifer Jameson,
2 and the third one was Michelle Anderson.

3 Q. Anderson, did you say?

4 A. Yes.

5 MR. LEVINE: Are any of these Patty's
6 cases?

7 THE WITNESS: I don't believe so.

8 MR. DILLON: Not so far.

9 MR. LEVINE: Don't say anything if
10 it's Patty's case.

11 A. This page contains information about the
12 prescription that I filled, and this, I believe, is
13 the Wilson case. There's some names of some doctors
14 that were in an OB/GYN group in Quincy, and some
15 information about Henry Estaman's store in Quincy.

16 Q. And Henry Estaman, that's the name that's
17 on the outside of this envelope, and from whom, can
18 you tell from whom you were receiving information
19 about Henry Estaman's store in Quincy?

20 A. From him. And there's another one about
21 Michelle Anderson. I don't know, this is a piece, a
22 little piece of paper concerning -- there's a phone
23 number on it; I'm not sure which case it was. And
24 that's it.

1 Q. Now, is it fair to say that this yellow
2 pad reflects notes that you took in the course of
3 your investigations for Mr. Levine into particular
4 case pharmacies?

5 A. Yes.

6 MR. LEVINE: You're keeping this stuff
7 in a pile, I assume.

8 MR. DILLON: I'm keeping this stuff in
9 a pile, and all of this --

10 MR. LEVINE: Are you going to copy it
11 at lunch and give it back to him?

12 MR. DILLON: Yes, I am.

13 Q. I think the last thing that was in that
14 envelope, I believe, was this, and I wondered, it is
15 one sheet of paper, I guess a folded over sheet of
16 paper, and then three sheets of typed pages; can you
17 tell me what that is, please?

18 MR. LEVINE: If it's Patty's, don't go
19 into it.

20 A. Well, there probably are a few on there --

21 Q. I'm sorry, Mr. Spart, I couldn't hear you,
22 could you repeat that?

23 A. Well, the bulk of these are pharmacists
24 that I got from Mr. Levine, statements from id (12/7/04)

1 pharmacists. There probably is some in here from
2 Patty Stanford.

3 Q. So that's a list of, the three-page list
4 of pharmacists that you interviewed; is that right?

5 A. Correct, some more names of classmates,
6 former classmates of mine.

7 Q. And that is on the single sheet of paper
8 that's attached to this group; is that right?

9 A. Yes.

10 Q. And then there's a folded over piece of
11 paper?

12 A. And then there's a name, there's some
13 names of DVDs that we were going to rent.

14 Q. I take it that that's you and your wife,
15 unrelated to this investigation?

16 A. Assassination Tango; and there's a list of
17 four pharmacists on a separate piece of paper, and I
18 contacted one of them.

19 Q. And are those materials also notes of
20 your --

21 A. Yes.

22 Q. -- investigations for Mr. Levine?

23 A. Yes.

24 Q. Amending that, that it's possible that (12/7/04)

1 some of these pharmacists listed on the three pages

2 relate to Miss Stanford; is that correct?

3 A. Yes.

4 Q. I think that the next thing that was given

5 to me was another version of this December, sorry,

6 November 17, 2003 letter that we've already marked,

7 so I don't think we need to mark it again.

8 A. That's correct.

9 Q. And there's also, also dated November 17,

10 2003, a statement from Harold Sparr; is this

11 something that you prepared, sir?

12 A. Yes.

13 Q. Did you type that up yourself?

14 A. I believe my wife did, she's the typist.

15 Q. And then we have, I'm not going to try to

16 count them up, but we have a number of statements of

17 pharmacists, which I'm going to clip together, if I

18 may, and I'm going to ask you if these are all

19 pharmacist statements that you obtained in the

20 course of your work?

21 (Witness perused documents.)

22 A. No, these were all prior to my coming on.

23 I did not get these statements.

24 Q. So these statements, can you tell me how (2/7/04)

1 you came to have these pharmacist statements?

2 A. I believe they were sent to me by

3 Mr. Levine so that I wouldn't duplicate any of the

4 statements.

5 Q. And the last category, sir, is these were

6 clipped together when I got them, and I will just

7 tell you that it begins with some statements, some

8 pharmacy statements, and then there are some other

9 materials behind it. Can you tell me, please, what

10 that is?

11 (Witness perused documents.)

12 A. These are statements from pharmacists

13 before I came on the scene, and, actually, there's

14 an exhibit, copy of an exhibit sticker on here, so

15 this is from before.

16 Q. Before the time when you were engaged to

17 do investigations; is that correct?

18 A. Correct.

19 Q. And did all of those materials, including

20 the attachments behind it, come to you from

21 Mr. Levine?

22 A. Yes. And there is a publication here from

23 the APAJ, and some promotional material from Eli

24 Lilly, and something, some pages from, I believe (2/7/04)

1 it's a PDR -- no, this is, actually, hold on, these
2 are all Eli Lilly promotional pieces that appeared
3 in various publications.

4 Q. Now, Mr. Sparr, I think you've told me
5 that you got those all from Mr. Levine. Did you
6 make any use of the Lilly materials that you've been
7 describing in that clipped together package, did you
8 make any use of that in your survey?

9 A. I read them.

10 Q. Yes. Did you make reference to them as
11 any part of your work for Mr. Levine?

12 A. The only thing I referenced was the form A
13 from Eli Lilly and Company concerning distributing
14 and selling service as it applies to, I believe,
15 wholesalers.

16 Q. Okay. And is there a date on that form
17 that you've got?

18 A. Looks like the 5th of May, 1959.

19 Q. Are there any other -- we'll come to the
20 wholesale things, but when you said you made
21 reference to that, in what way did you reference
22 that wholesaler agreement?

23 A. Because I was able to contact a trained
24 order picker from McKesson & Robbins that was a 7/04)

1 Lilly distributor, a full line wholesaler.

2 Q. And was that Mr. Dellavolpe?

3 A. Yes.

4 Q. We'll come to him in a little bit. Thank
5 you. Now, what I'm going to do is this, I've now
6 had copies made, so I can return to you your copies
7 of what are now Exhibits 2 and 3. I'm going to ask
8 the court reporter when we go off the record to mark
9 Exhibit 2 and Exhibit 3. And Exhibit 5, I still
10 haven't got a copy of it, so I'm going to hold that.

11 And I'm going to ask someone to come in and make
12 photocopies of this pile of material that you gave
13 me. Now --

14 A. This is mine, too.

15 Q. No, that's actually --

16 A. I gave you that. This was folded up. You
17 can see where it was folded, that's how it was
18 delivered to me.

19 Q. I thought I gave you my copy of the
20 subpoena.

21 A. No.

22 MR. DILLON: I'll have this copied, as
23 well, then. Off the record.

24 (Discussion off the record.) Harold (12/7/04)

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1 (Recessed at 1:33.)

2 (Resumed at 2:12.)

3 Q. Mr. Sparr, I've taken the materials that
4 you brought in response to the subpoena, and I'm
5 having photocopies made, and I'll get your originals
6 back to you before the end of this deposition.

7 Let me ask, is there anything else
8 that you -- do you have a copy of Exhibit 4 or is
9 that being copied? Is there anything else that you
10 made reference to or relied upon in the course of
11 your work for Mr. Levine in the survey besides the
12 materials that you produced just before we took our
13 break and that are now being photocopied?

14 MR. LEVINE: And his report, and the
15 appendices.

16 Q. And the appendices in the report; is there
17 anything else?

18 A. No.

19 MR. LEVINE: And these books.

20 Q. Let's just talk about those books for a
21 minute. May I have those for a second? Mr. Levine
22 has now handed me three books. The first is called,
23 DES, The Complete Story. And, Mr. Sparr, have you
24 reviewed this book? Sparr, Harold (12/7/04)

1 A. I've read it several times.

2 Q. I beg your pardon?

3 A. I've read it several times. It was

4 written by my sister-in-law's ex-sister-in-law.

5 Q. Okay. And when did you first read this
6 book?

7 A. Probably in January of this year.

8 Q. And how did you come to read this book?

9 A. My sister-in-law in Florida gave me a
10 signed copy that I returned to her when I was
11 through with it, and I went out and bought this
12 secondhand.

13 Q. And your sister-in-law gave you this copy
14 in January or so of this year; is that correct?

15 A. Yes.

16 Q. And did you ask her for this copy, for
17 this book?

18 A. Well, she knew what I was doing, so she
19 asked me if I wanted to borrow it.

20 Q. And this book was published in 1981; is
21 that correct?

22 A. Correct, I guess, I'll take your word.

23 Q. You can take my word for that, it says
24 1981 inside. And I take it that between 1981 and 2/7/04)

- 1 2004 you had not read it; is that correct?
- 2 A. Correct.
- 3 Q. The second book is, The Survey Research
- 4 Handbook by Pamela Alreck. And can you tell me when
- 5 you obtained a copy of this book?
- 6 A. Sometime last spring.
- 7 Q. Sometime in the spring of 2004?
- 8 A. Correct.
- 9 Q. And how did you come to find and obtain
- 10 this book?
- 11 A. Mr. Levine provided it.
- 12 Q. Have you read this book, Mr. Sparr?
- 13 A. I have perused it, and I have used it for
- 14 references.
- 15 Q. In what context have you used it for
- 16 references?
- 17 A. For the survey that I conducted.
- 18 Q. Why don't you take a look at it, if you
- 19 would? Are there any particular parts of this book
- 20 that you have perused and used as a reference point
- 21 in the survey?
- 22 A. I read Chapter 1, Chapter 2, Chapter 3,
- 23 Chapter 4, Chapter 7, Chapter 11; that's about it.
- 24 Q. May I see that again, please, Mr. Sparr. (12/7/04)

1 which helped me to decide on some of the questions
2 that were asked.

3 Q. Now, now that we've gone through these
4 three books that we've identified, is there anything
5 else that, and the materials that you gave me, and
6 your report, is there anything else that you used in
7 conjunction with your work as doing surveys for

8 Mr. Levine?

9 A. No.

10 Q. Now, I think I may have covered some of
11 this before, but let me shift topics a little bit,
12 I'll come back to the survey. But let me ask about
13 the interviews that you did, these are described in
14 paragraph 2 of Exhibit 1, your report, these are
15 personal conversations of research and
16 investigations, contacting hundreds of Massachusetts
17 pharmacists; okay?

18 A. Um-hmm.

19 Q. I think you told me that you did not have
20 a script that you used; is that correct?

21 A. That's correct.

22 Q. And any notes that you have, I take it,
23 you've already given me in response to the subpoena;
24 is that correct?

Sparr, Harold (12/7/04)

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1 contains all of the statements that you have
2 obtained, either for particular investigations or
3 generally asking about DES; is that correct?

4 A. That is correct.

5 Q. And am I correct that, to be clear about
6 this, because there's another paragraph that I want
7 to ask you about, but that folder that you've got
8 there, those are exclusively ones that you have
9 obtained; is that correct?

10 A. That is correct.

11 MR. DILLON: Well, let me do this, let
12 me hold a place as Exhibit 6, I believe, for that
13 folder and its contents.

14 Q. And, Mr. Sparr, I'm going to ask you to
15 hang on to that. I need to ask you some questions
16 about it. I would, obviously, like to review that
17 and take a look at it. Am I correct in
18 understanding that you have been instructed by
19 Patricia Stanford to not produce any materials that
20 relate to work that you have done for her; is that
21 correct?

22 A. That is correct.

23 Q. And do I understand further that while not
24 all of the statements in that manila folder that (12/7/04)

1 we're holding a place for Exhibit 6 for, that not
2 all of them are for Miss Stanford, some of them are,
3 and you're not able as we're sitting here to
4 separate out those that are and aren't?

5 A. That is correct.

6 MR. DILLON: Well, we'll just hold a
7 spot in the record for Exhibit 6, because I'm sure
8 we'll have a chance to look at that later on.

9 Q. Now, Mr. Sparr, when you made these
10 inquiries about all of the statements that are in
11 this manila folder, Exhibit 6, did you tell them
12 that you were doing this in connection with
13 litigation?

14 A. I told them that I was working for an
15 attorney who represented DES daughters, and there is
16 a possibility that they may be deposed.

17 Q. Did you tell them that you were working on
18 cases in which the defendant was Eli Lilly and
19 Company?

20 A. No.

21 Q. Were you aware of the fact or are you
22 aware of cases in which the defendant was Eli Lilly
23 and Company?

24 A. Yes. Sparr, Harold (12/7/04)

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1 Q. Now, Mr. Sparr, did any of these
2 pharmacists that you interviewed tell you that their
3 memory wasn't really that great or it may be vague
4 about what they were dispensing in the 1950s and
5 1960s?

6 A. Those pharmacists I did not take
7 statements from.

8 Q. Did any of the pharmacists tell you in the
9 first instance that their memories were vague, and
10 then you refreshed their recollection --

11 A. No.

12 Q. -- or memory with them?

13 A. No.

14 Q. Did you have any conversation with them at
15 all about the companies that were out there making
16 DES?

17 A. Absolutely not.

18 Q. Have you ever run across the idea of false
19 memories, Mr. Sparr?

20 A. I don't know what you mean by "false
21 memories."

22 Q. Well, let's take an everyday example, do
23 you ever tell a story and have your wife correct you

24 on the facts? Sparr, Harold (12/7/04)

1 A. All the time.

2 Q. I can't say I'm stunned to hear that,

3 Mr. Sparr, and I think none the less of you for
4 that. But have you, in your experience, then, found
5 occasions when you have a memory of something that
6 turns out on further investigation or corroboration
7 to be inaccurate?

8 A. Not to my knowledge.

9 Q. So, to your knowledge, your memory of
10 events is infallibly correct; is that right?

11 A. Yes.

12 Q. And is that true about your memory of
13 events in the 1950s and 1960s?

14 A. Correct.

15 Q. As well as of today; is that correct?

16 A. Correct.

17 Q. So in those instances when your wife
18 corrects you, have you found your wife to be the one
19 who is incorrect about the factual corrections?

20 A. Occasionally.

21 Q. And on the occasions when she's not at
22 fault or not in error, do you find that you have
23 been mistaken about the facts?

24 A. Occasionally. Sparr, Harold (12/7/04)

1 Q. Did it occur to you that pharmacists who
2 were being asked about a particular set of
3 prescriptions from the 1950s and 1960s from memory
4 might sometimes have a fallible memory?

5 A. No.

6 Q. So your assumption was that none of their
7 memories were fallible; is that right?

8 A. Correct.

9 Q. Did you take any steps to corroborate the
10 assumption that none of these pharmacists had in any
11 way an incomplete or wrong memory?

12 MR. LEVINE: Well, if they said they
13 didn't remember, as he said some of them said,
14 that's an incomplete memory, so fix your question.

15 MR. DILLON: I'm not talking about
16 that.

17 A. I would ask them a series of questions,
18 and I would ask them if they stocked
19 diethylstilbestrol. I would ask them, Do you recall
20 what brand it is, and then I would ask them, Who was
21 your wholesaler.

22 Q. Okay.

23 A. And if they answered those three questions
24 without hesitation, I would mail them a statement!(7/04)

1 Q. Did you do anything to find out if their
2 memory about the DES they had in their store in the
3 '50s and '60s was accurate?

4 A. No. How could I?

5 Q. Well, when you worked for Mr. Goslin, one
6 of the things that was involved was review of
7 particular scripts; did you ever have occasion to
8 review any scripts?

9 A. Yes.

10 Q. All right. Ever have any occasion to
11 review any scripts from these pharmacists that gave
12 you statements to find out if they had accurately
13 described the DES?

14 A. Not from any of these statements, but from
15 other pharmacists.

16 Q. So with respect to the statements that you
17 have, though, did you ask any of them to go back and
18 see if they had any purchase records or scripts that
19 might confirm or refresh their memory?

20 A. They all told me -- well, they're only
21 required by the Board of Registration of Pharmacy to
22 keep the prescriptions for two years, however, if
23 it's a Medicaid prescription, they have to keep it
24 for seven years. So most of these pharmacists do 2/7/04)

1 make any effort to find out how many different
2 companies listed DES or diethylstilbestrol for sale
3 in these national publications, The Red Book or The
4 Blue Book?

5 A. I had copies of one of the two books.

6 Q. Yes. Did you make any effort to find out
7 how many companies listed their DES products for
8 sale on a national basis?

9 A. I didn't count them.

10 Q. Was it your impression that there were
11 hundreds of such companies?

12 A. Probably at least a hundred.

13 Q. And was it your impression as you reviewed
14 this that those companies would list their products
15 in more than one year, in several years?

16 A. Yes.

17 Q. Did you form the view that those companies
18 were listing the products in these national
19 publications because they were, in fact, selling
20 some of those products?

21 A. I would assume so.

22 Q. And it wouldn't make sense for them to
23 continue to list it if they weren't selling any; is
24 that correct?

Sparr, Harold (12/7/04)

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1 A. That's correct.

2 Q. When you did your survey, did you factor
3 in at all the fact that there were in your view at
4 least a hundred, and I will represent to you
5 actually several hundred companies, that listed
6 their DES products for sale nationally in The Red
7 Book and The Blue Book?

8 A. Did I know it?

9 Q. Did you factor it in at all to your
10 investigation about --

11 A. Yes, because the survey didn't direct
12 pharmacists to answer in a particular manner.

13 Q. Okay. Now, Mr. Sparr, from your
14 experience as a pharmacist and your conversations
15 with others, did you run across any pharmacists that
16 might use, let's take DES, one brand of DES for
17 filling unspecified prescriptions and another brand
18 available in case a doctor did specify?

19 A. Yes.

20 Q. And did you run across any of these
21 companies, any of these pharmacists who had a sort
22 of non famous name pharmaceutical company as the
23 brand that they dispensed in the course of dealing
24 and dispensing generic prescriptions? Harold (12/7/04)

1 for me to review?

2 A. I have 148 in that folder, and I believe
3 you took some from me, and I also looked at some in
4 Mr. Levine's office.

5 Q. When you say he took some from you,
6 meaning?

7 A. You.

8 Q. I see. So in the materials that you
9 brought that are now being photocopied there is some
10 additional statements there; is that correct?

11 A. That's correct.

12 Q. And when you say "randomly selected," who
13 did the random selection, sir?

14 A. I did.

15 Q. And how did you make a random selection,
16 sir?

17 A. I would call different pharmacists that
18 graduated in different years, I would call them at
19 random.

20 Q. In this paragraph No. 3, talking about a
21 review of 200 sworn statements, I take it, then,
22 that what you're telling me is that the random
23 selection, the "random" refers to your calls to
24 individuals; is that what you mean?, Harold (12/7/04)

1 industry, I wasn't interested, if they were a detail
2 man, I wasn't interested. I was only interested in
3 community pharmacists.

4 Q. So after you called them up you would make
5 an inquiry as to whether they were a community
6 pharmacist; is that correct?

7 A. Correct.

8 Q. But when you decided to call them, what
9 criteria did you have to let you think that these --

10 A. Normally just the date that they
11 graduated.

12 Q. And, Mr. Sparr, of these 200 or so, how
13 many of those represented statements that were from
14 pharmacists not practicing in Massachusetts?

15 A. Maybe 20.

16 Q. And did you rely on those non
17 Massachusetts pharmacists to help you form your
18 opinion about market share in Massachusetts?

19 A. Not in Massachusetts.

20 Q. You also mention in this paragraph 3 some
21 deposition testimony; what deposition testimony did
22 you review, sir?

23 A. The deposition testimony that was provided
24 by Aaron Levine. Sparr, Harold (12/7/04)

1 records about the prescriptions from individuals?

2 A. Well, it was between me and the trash can.

3 Q. Let's begin to turn to your personal

4 experience as a basis for this. This is really in

5 paragraph one of your letter of October 12, 2004,

6 which is deposition Exhibit 1.

7 In what way, Mr. Sparr, did your

8 personal experience as a retail practicing

9 pharmacist bear on your ability to conclude that

10 Lilly, as you conclude, had 94 percent of DES sales

11 in Massachusetts?

12 MR. LEVINE: Pregnancy sales.

13 A. It was based on the, both on the surveys

14 and on the statements that I received.

15 Q. I'm going to do the survey, and we've

16 talked about the statements you received. But in

17 paragraph one of your letter you talk about your

18 personal experience --

19 A. Yes.

20 Q. -- as a retail practicing pharmacist as

21 one of the bases for your opinion. And I'm asking

22 you, what is it about your experience as a

23 practicing retail pharmacist at the Sparr Drugstore?

24 A. Sparr's Drugstores and Robert's Pharmacy 2/7/04)

1 we only stocked Lilly brand.

2 Q. So you can tell from that that for the
3 stores that you were the proprietor of, you only
4 stocked Lilly; is that correct?

5 A. That's correct.

6 Q. But from that experience at Sparr's and at
7 Robert's, you would not be able to tell anything
8 else about what any other store did; isn't that
9 right?

10 A. Except from the statements that I received
11 from pharmacists that practiced in the '50s and
12 '60s.

13 Q. So your personal experience as a retail
14 practicing pharmacist really gives your experience
15 at Sparr's Drugstore and at Robert's Pharmacy; is
16 that right?

17 A. Correct.

18 Q. Let me ask about being a teacher of
19 pharmacy over the past 49 years. First of all, in
20 what sense were you a teacher of pharmacy over the
21 last 49 years?

22 A. I was a preceptor for over 650 last year
23 pharmacy students from Mass. College of Pharmacy and
24 Northeastern. Sparr, Harold (12/7/04)

1 Q. And what does being a preceptor mean?

2 A. They had to do a five-week externship in a
3 hospital pharmacy, so the schools would send me
4 students on a regular basis.

5 Q. So this would be while you were working at
6 the hospital pharmacies that we talked about after
7 the '70s; is that right?

8 A. Correct.

9 Q. So in that context, you were not involved
10 in seeing or dispensing prescriptions for DES for
11 the use in accidents of pregnancy; isn't that right?

12 A. Pardon me?

13 Q. In the hospital pharmacy context after the
14 1970s you would not have been involved in seeing or
15 filling any prescriptions for DES for the use in
16 accidents of pregnancy?

17 A. That is correct.

18 Q. Now, you mentioned being a preceptor for
19 students while you were working in the hospital
20 pharmacies. Is there any other aspect of teaching
21 pharmacy that you want to call my attention to as a
22 basis for your opinions in this case?

23 A. I worked for about five semesters as an
24 adjunct professor in the pharmacy practice lab at 2/7/04)

1 Mass. College of Pharmacy.

2 Q. And about when was this, please?

3 A. '90, '91, '92.

4 Q. And, I take it, then, that at that period
5 of time in the '90s nothing about your teaching
6 would have had anything to do with seeing or filling
7 prescriptions for DES in relation to accidents of
8 pregnancy?

9 A. That's correct.

10 MR. LEVINE: You're entirely ignoring
11 the historical aspect of these positions.

12 MR. DILLON: I'm just asking the
13 questions.

14 MR. LEVINE: Okay, but you're asking
15 the wrong questions. I get to ask the questions
16 when I'm qualifying him, and I will be able to show
17 that in this preceptorship and in the adjunct
18 professor he did come into contact with the
19 historical aspects of pharmacy and DES, but you
20 don't want to do it, it's your deposition.

21 MR. DILLON: I think that that's
22 something that I'll let you worry about.

23 MR. LEVINE: Okay.

24 Q. Is there anything else that you want to (12/7/04)

1 A. Correct.

2 Q. So in terms of designing a survey, I take
3 it that you had never before attempted or been
4 involved in designing a survey to develop market
5 share; is that right?

6 A. No.

7 Q. Am I incorrect, you have been involved in
8 designing a survey?

9 A. No, I have not, I was not.

10 Q. I take it that you haven't done any
11 publications on survey research; is that correct?

12 A. That's correct.

13 Q. And have you ever taken any course work in
14 survey design?

15 A. No.

16 Q. Have you ever taken any, received any
17 training in psychology?

18 A. I believe I took a psychology class when I
19 was at Mass. College of Pharmacy.

20 Q. Were you ever involved in a class involved
21 in psychology or sociology related to survey
22 research?

23 A. No.

24 Q. How about marketing, have you ever taken (7/04)

1 any, ever received any training in marketing?
2 A. I went to Babson when I was working
3 towards an MBA degree, I went there for
4 three semesters, and several of the courses that I
5 took were in marketing.

6 Q. And I take it you did not decide to
7 complete that degree at Babson; is that right?
8 A. That's right, it interfered with my work
9 schedule.

10 Q. Have you had any formal training in
11 statistics?
12 A. No. I started a statistic course at
13 Babson, but that's when I dropped out.
14 Q. Before you got involved in this project
15 did you have any experience in sampling; in other
16 words, in deciding what sample out of a larger group
17 would accurately reflect the findings that you would
18 get in the larger group?

19 A. Yes.
20 Q. And in what way did you do that?
21 A. In the survey I, we decided what year that
22 we were going to determine to be the midline of
23 popularity.

24 Q. Okay. I really wanted to ask, I did not (12/7/04)

1 ask the question clearly, before you got involved in
2 this survey for Mr. Levine had you ever been
3 involved in attempting to design a sampling
4 methodology?

5 A. No.

6 Q. Okay. Now, you mentioned about sampling
7 in this one that you would attempt to define a
8 midpoint, as it were, for popularity; is that what
9 you tried to do?

10 A. Yes.

11 Q. And what did you determine the mid point
12 was?

13 A. I looked at the matrixes of California and
14 New York.

15 Q. And the matrixes, each of them give the
16 market share, as it were, for each of the companies
17 involved in those proceedings; is that correct?

18 A. Yes.

19 Q. And how did you use the matrices to decide
20 where the peak of demand was or peak of use?

21 A. Well, I personally remembered it from
22 dispensing when it started to decline and when it
23 became really popular.

24 Q. And what did you remember about -- so the 7/04)

1 MR. LEVINE: But was it a nurse?

2 THE WITNESS: I don't know.

3 Q. Whatever it was, this list of 370 is a
4 list that you got from Mr. Levine's office; is that
5 correct?

6 A. Correct.

7 Q. And what, if anything, did you do to find
8 out if that, in fact, represented the list, what it
9 said to be, those who got a license during those
10 years, '63 to '67, for the first time and were still
11 practicing in Massachusetts; what did you do to test
12 that?

13 A. Well, I recognized the fact that the
14 licensees, I was able to go to the alumni directory
15 and look in there by year, and I saw the names, the
16 names popped up from Mass. College of Pharmacy, but
17 there were other schools of pharmacy where people
18 became registered.

19 Q. What did you do to find out that the list
20 of names you got from Mr. Levine accurately
21 reflected that category of people who were first
22 licensed between 1963 and 1967 and who were also
23 still practicing in Massachusetts?

24 A. I would see absolutely no reason why they

1 would lie.

2 Q. So you didn't do -- you didn't see the

3 need to do anything to test them?

4 A. No.

5 Q. So you were not actually trying to find
6 out about pharmacists who were simply licensed
7 between 1963 and 1967, you also had this additional
8 condition that to qualify for this study they had to
9 also still be practicing; is that right?

10 A. That's correct, because the disk only has
11 those currently licensed.

12 Q. So there were a number of pharmacists, I
13 take it -- so, I'm sorry, the disk only has those
14 currently licensed?

15 A. That's correct.

16 Q. I see. So there were pharmacists who
17 were, in fact, licensed between 1963 and 1967 who
18 either stopped the practice of pharmacy or moved
19 somewhere else, but wouldn't show up in your group;
20 is that right?

21 A. That's correct.

22 Q. And how many were those?

23 A. I have no idea.

24 Q. Who was it who felt that this category -12/7/04)

1 let me back up. Who was it who decided that this
2 category of pharmacists who were first licensed in
3 1963 to 1967 and were still current was a group that
4 was an adequate sampling frame or survey population
5 for your study, who did that?

6 A. I determined it.

7 Q. You determined that?

8 A. Yes.

9 Q. And what were the criteria that you used
10 to determine that?

11 A. I knew the popularity of the drug peaked
12 in 1965, around 1965, so I went back two years
13 before '65 to two years after '65.

14 Q. And that is the only criteria you had; is
15 that correct?

16 A. Yes.

17 Q. Did you have any basis to decide that the
18 people that were still practicing accurately
19 reflected that cadre of pharmacists who were first
20 licensed between 1963 and 1967?

21 A. It was a representation.

22 Q. How do you know that?

23 A. Because I do know some of them that are
24 still working.

1 Q. So --

2 A. They're younger than I am.

3 Q. What was the basis on which you decided
4 that this was a, you know, an adequate snapshot, an
5 accurate snapshot of what that group of newly
6 licensed pharmacists between '63 and '67 looked
7 like; how did you decide that?

8 A. I decided that the peak period was 1965,
9 and I went two years on either side of that.

10 Q. I understand that part, but now you've got
11 this extra thing, which is a dividing line that
12 you're now not dealing with everybody whose been
13 licensed between '63 and '67, but only that part of
14 that group that's still practicing in 2004.

15 A. Correct.

16 Q. All right. How did you decide that those
17 who still were practicing in 2004, whatever that
18 group was, was representative of the group that was
19 first licensed in '63 and '67; how did you decide
20 that?

21 A. Well, I felt that because they were still
22 licensed, that the majority of them were still
23 working, and they would have good knowledge of what
24 transpired back in the '60s. Sparr, Harold (12/7/04)

1 A. My personal experience I know.
2 Q. Okay. I don't want your personal
3 experience to interfere with this question. I
4 understand you have personal experience, and I
5 understand that you have other surveys and
6 interviews that you've done besides the survey. But
7 with respect to the survey we've been talking about,
8 where the first entrant, okay, was licensed on
9 January 1, 1963, do you agree with me that that
10 survey standing alone, that survey alone cannot
11 supply you with any information about practices in
12 Massachusetts before January 1, 1963?

13 A. It only gives me information from '63 to
14 '67.

15 Q. Okay, thank you. That's really all I
16 wanted. Now, Mr. Sparr, if we take your assumption
17 that there were, approximately, between 4500 and
18 5000 pharmacists practicing in Massachusetts between
19 1963 and 1967, 370 is a pretty small percentage of
20 that; isn't it?

21 A. You have to consider that pharmacists in
22 order to get licensed have to have 1500 hours of
23 explorational training, and they get that, they
24 usually start working in their first year at ~~old~~ (12/7/04)

1 pharmacy school in a pharmacy, that's a requirement,
2 so they would know what went on prior to 1963.

3 Those people that got registered, licensed in 1963,
4 they would have known since '59.

5 Q. Okay. Now, Mr. Sparr, when you're a
6 student at the college --

7 MR. LEVINE: You're arguing with him
8 now.

9 Q. When you're a student at the College of
10 Pharmacy, Mr. Sparr, are you allowed to fill
11 prescriptions?

12 A. Yes.

13 Q. You can fill prescriptions from the first
14 year?

15 A. Yes.

16 Q. And are you allowed to purchase
17 prescriptions and buy them, order them?

18 A. Yes.

19 Q. And has that happened in your store, at
20 the Sparr Drugstore, did you let students from the
21 pharmacy school fill prescriptions in your store?

22 A. I was the only student. I didn't dispense
23 it, I filled it; there's a difference.

24 Q. I see. I'm sorry. So dispensing the old (12/7/04)

1 made, and I'll come back to it, because I don't
2 think we're going to get done here.

3 MR. LEVINE: On that respect let me
4 say that you do not have an unlimited amount of
5 time. Now, six hours, I think, is plenty.

6 MR. DILLON: Well, I'm on page --

7 MR. LEVINE: You've got two hours.

8 MR. DILLON: Mr. Levine, I'm going to
9 take the deposition that I'm going to take, and I
10 have a rather lengthy outline. I have a lot of

11 questions to ask Mr. Sparr.

12 MR. LEVINE: Now that you're paying
13 Mr. Sparr, and as soon as he provides you with his
14 rates for his testimony, you can go forward.

15 Q. Mr. Sparr, let me go back to your
16 statement, which is Exhibit 1 to the deposition, and
17 Exhibit 4 to that is this letter of May 5th, 2004,

18 to you, from Mr. Levine.

19 A. From me, to Mr. Levine?

20 Q. No, from Mr. Levine, to you, May 5th.

21 A. Correct.

22 Q. Now, Mr. Sparr, in the second paragraph
23 there, this letter talks about the trustworthiness
24 of the survey depending on a well grounded sampling04)

1 and minimization of hearsay dangers; in your study

2 what did you do to minimize hearsay dangers?

3 A. There's absolutely no mention --

4 MR. LEVINE: It's not only his study,

5 but it's a study of three people. It's not his

6 study. The primary statistical brains behind it was

7 Doctor Vanderschmidt. But go ahead.

8 Q. Okay. Well, you mentioned three people,

9 it's Doctor Vanderschmidt, Mr. Sparr, and

10 Mr. Levine; is that right?

11 A. Mr. Steer.

12 Q. Okay. What, if anything, did you do to

13 minimize the hearsay dangers?

14 A. Made sure that there weren't anything in

15 the questions that would lead them to answer it

16 incorrectly.

17 Q. And what was it about the questions that

18 you put in there to avoid hearsay problems?

19 A. They weren't leading questions.

20 Q. Is there anything in this survey that you

21 did that would make sure that the pharmacist was

22 answering from their own personal experience, as

23 opposed to information that they may have gotten

24 from somebody else? Sparr, Harold (12/7/04)

1 A. I didn't go to each one of their houses to
2 see if they filled it out without asking anybody
3 else. I assumed they did it by themselves. It's
4 really not a very tough questionnaire.

5 Q. The next thing in that paragraph is about
6 protecting against the relative susceptibility of
7 the faulty memory. Now, what, if anything, did you
8 do to guard against susceptibility of faulty memory?

9 A. If they couldn't remember, they couldn't
10 fill it out.

11 Q. Is there any other aspect of memory, I
12 think we talked about this before, about people who
13 have memories that, in fact, don't correspond to the
14 actual fact, is there anything you did to try and
15 find out if any of the respondents to this survey
16 had a flaw in their memory or were incorrect?

17 A. No.

18 Q. Why don't you tell me everything you can
19 tell me about the universe that you defined as
20 listed on there, on Mr. Levine's letter to you and
21 request, there is importance to have a properly
22 defined universe, and is there anything about the
23 universe that you wanted to define for me that you
24 haven't told me before? Sparr, Harold (12/7/04)

1 A. Well, in my travels for the National
2 Association of Boards of Pharmacy I have spoken to
3 pharmacists from East Coast to West Coast, from
4 north to south, and it all comes out the same.

5 Q. Do you understand what Mr. Levine was
6 talking about in this letter of May 5th when he
7 talked about, "a properly defined universe"? Well,
8 let me ask a different question, what do you
9 understand by the term, "a properly defined
10 universe"?

11 A. I take it to understand that within the
12 confines of the United States the practice of
13 pharmacy was the same in all 48 states.

14 Q. And that is your assumption; is that
15 correct?

16 A. That's correct, that's my opinion.

17 Q. Now, a representative sampling of that
18 universe, is there anything about the reasons why
19 you chose the sample that you did that you want to
20 tell me besides what you've said? I mean, what
21 you've told me so far, to sum it up --

22 A. No.

23 Q. To sum it up to be clear, though, we're on
24 the right same page, you thought that the peak (12/7/04)

1 period was, approximately, 1965 in terms of use of
2 the drug, and that you chose '63 to '67 to try and
3 go around that perception of peak use, and that's
4 what you did; is there anything else you want to
5 tell me about sampling besides that?

6 A. No.

7 Q. Now, were any of the people who appeared
8 on this list of 370 or so, were any of those people
9 who you had previously spoken to and gotten a
10 statement from?

11 A. I don't know, because I didn't see the
12 labels. I didn't see who it was until after they
13 returned them.

14 Q. Okay. So do I take it, then, that you
15 never saw the list of 370 people who were mailed
16 this?

17 A. That's correct.

18 Q. I was going to ask, because I believe on
19 your report it says something about the list
20 attached, and I don't see a list within your report,
21 Exhibit 1 to this deposition, which tells me the 370
22 people who got this?

23 A. No, these are the people that replied.

24 Q. Do you have the list of the 370 people who/7/04)

1 Complete Story; what, if any, other investigation
2 did you do about DES?
3 A. I read a lot of information about DES on
4 the Internet; you just have to put in
5 diethylstilbestrol.
6 Q. What, if anything, did you do to find out
7 what indications DES was prescribed for between 1955
8 and 1971?
9 A. I had a copy of the PDR.
10 Q. And what copy of the PDR did you have?
11 A. '69.
12 Q. Are there any other PDRs that you made
13 reference to besides the 1969 PDR?
14 A. No.
15 Q. Are you aware of something called the
16 National Disease and Therapeutic Index?
17 A. I've heard of it.
18 Q. And is that a survey that is done?
19 A. I believe it is.
20 Q. And do you know if that is something that
21 allows you to figure out what particular medications
22 have been prescribed for?
23 A. Not to my knowledge.
24 Q. Have you ever used the Nationalold (12/7/04)

1 Therapeutic Index?

2 A. No.

3 Q. Were you aware of DES being prescribed for
4 the suppression of lactation?

5 A. Yes.

6 Q. And were you aware of it being prescribed
7 for postpartum observation?

8 MR. LEVINE: What's postpartum
9 observation?

10 A. Postpartum observation?

11 MR. LEVINE: Observation?

12 Q. That's what I'm reading, postpartum
13 observation. How about for malignant neoplasms;
14 were you aware it was used for that?

15 A. I know it was used for prostate cancer.

16 Q. And do you know if it was used for breast
17 cancer in women?

18 A. Yes

19 Q. And do you know if it was used for any
20 kind of bone cancers?

21 A. No.

22 Q. You don't know one way or the other about
23 that; is that right?

24 A. I don't know if it was used for boneId (12/7/04)

1 cancer.

2 Q. Do you know if it was used for menopausal
3 symptoms?

4 A. Yes.

5 Q. Do you know if it was used for trying to
6 correct hemorrhages?

7 A. I believe it was.

8 Q. Do you know what dosages of DES were
9 prescribed for the various things I've just
10 mentioned?

11 (Witness perused documents.)

12 MR. DILLON: While Mr. Sparr is
13 reading let the record show that he has turned to
14 one of the exhibits to his statement that he's
15 reading, I take it, excerpts from the 1969 PDR.

16 A. I know it was used for senile vaginitis.
17 I know that it was used for engorgement, and for
18 controlling uterine bleeding, prostate and breast
19 cancer.

20 Q. And do you know what dosages were used for
21 those indications that you just mentioned?

22 A. Menopausal symptoms was 0.2 milligrams to
23 0.5 milligrams daily, and can be increased as
24 needed. Senile vaginitis was 0.5 milligrams daily; 7/04)

1 Painful engorgement of the breast postpartum was
2 5 milligrams, one to three times daily, a total of
3 30 milligrams. And functional uterine bleeding, it
4 was usually 5 milligrams, three to five times a day.
5 Carcinoma of the prostate was 1 to 3 milligrams
6 daily, in advanced cases, the dose may be reduced to
7 an average of 1 milligram daily. Cancer of the
8 breast was 15 milligrams --

9 MR. LEVINE: You're reading the
10 manufacturer's recommendations.

11 THE WITNESS: Correct.

12 MR. LEVINE: He asked you what was
13 used by doctors.

14 Q. I was about to ask you, but I wanted you
15 to carry on for a bit, what are you reading in order
16 to get the indication that you just read?

17 A. PDR.

18 Q. You were reading the PDR?

19 A. Yes.

20 Q. And what part of the PDR are you reading?

21 Are you reading Lilly's entry in the PDR?

22 A. Yes.

23 Q. Have you compared that to any other

24 company's entry in the PDR in any year? *bold (12/7/04)*

1 A. No.

2 Q. Do you have any idea how much of the DES
3 that was sold was used for, to suppress lactation?

4 A. No.

5 Q. If I told you that in 1961 63 percent of
6 the DES sold was used to suppress lactation, would
7 that surprise you?

8 A. Yes.

9 Q. And why would it surprise you?

10 A. Because we used a lot of the 5 and
11 25-milligram tablets in the store for problem
12 pregnancies.

13 Q. Now, you used a lot of those things, and
14 how do you know they were for problem pregnancies?

15 A. Well, they were coming from the Boston
16 Lying Inn maternity clinic.

17 Q. So some of those could have been for
18 suppressing lactation; isn't that right?

19 A. Could have been.

20 MR. LEVINE: That's administered in
21 the hospital. You get that the day after in the
22 hospital; you don't go out to the store.

23 MR. DILLON: Mr. Levine, I'm sure that
24 Mr. Sparr, who is supposed to be the expert here, 2/7/04)

1 can tell us all these things.

2 Q. But have you made any effort to find out
3 the various uses of DES and their percentage use; in
4 other words --

5 A. No.

6 Q. -- how much of it was used for suppressing
7 of lactation, how much for carcinoma?

8 A. No.

9 Q. If it is true that it has purposes beyond
10 the use in accidents of pregnancy, isn't it clear
11 that just knowing that a drugstore had DES in the
12 store wouldn't tell you necessarily about DES that
13 was used in accidents of pregnancy?

14 A. But I knew people coming into the store,
15 patients coming into the store from the Boston Lying
16 In maternity department were taking it for problem
17 pregnancies. I have friends that have taken it.

18 Q. I'm sure that you do have all that
19 information, but now we're talking about the
20 statements that you've got and the survey and the
21 broad opinions that you're giving, which are broader
22 than the Sparr Drugstore. So for that, isn't it
23 clear, sir, that establishing, by whatever quality
24 of memory there is, that a drugstore had DES in it?/7/04)

1 in the 1950s and 1960s, doesn't correspond to DES
2 being used for the treatment of accidents of
3 pregnancy?

4 A. Well, in my opinion, I feel that most of
5 it that was prescribed was for accidents of
6 pregnancy, pregnancy accidents.

7 Q. So that's what you feel based on your
8 experience at the Sparr Drugstore?

9 A. That's correct, and Robert's Pharmacy, and
10 conversations with other pharmacists.

11 Q. And Robert's Pharmacy. Now, early on in
12 this deposition I think you told me that a
13 pharmacist wouldn't necessarily know the indication
14 for which a drug was being prescribed; isn't that
15 right?

16 A. I don't believe I told you that.

17 Q. Well, I thought that you agreed with me
18 when I told you that when a pharmacist would receive
19 a prescription, and it would have a drug and a
20 dosage strength on it, and that was to be filled
21 without necessarily there being any indication of
22 why the drug was prescribed?

23 A. That's correct.

24 Q. So, is it still true, then, that a Harold (12/7/04)

1 pharmacist wouldn't necessarily know the purpose for
2 which the drug was being prescribed by a doctor?
3 A. But we know through experience that it was
4 being prescribed for problem pregnancies.

5 Q. Mr. Sparr, I understand that you believe
6 that you know that from your experience at the Sparr
7 Drugstore --

8 A. And other pharmacists that I've spoken to.

9 MR. LEVINE: Anybody who has a woman
10 with a big belly knows what's going on.

11 Q. Mr. Sparr, what, if any, steps did you
12 take to satisfy yourself that the people who
13 responded to the inquiries you make to individual
14 pharmacists at the behest of Mr. Levine and those
15 people who respond to the questionnaire that you
16 sent out, what steps did you take to find out if
17 they dispensed DES for use in accidents of
18 pregnancy, as opposed to some other indication?

19 A. Because the questionnaire, I believe,
20 says, No. 8, "Was the pregnancy size 5-milligram or
21 25-milligram diethylstilbestrol stocked and
22 dispensed at the store in the '60s?"

23 Q. So you've asked on the questionnaire,
24 which is Exhibit 1 to your statement, about the (12/7/04)

1 pregnancy size 5-milligram or 25-milligram; isn't

2 that correct?

3 A. Correct.

4 Q. Now, isn't it clear to you just from what

5 you were looking at that DES had, in those dosages

6 had other uses besides pregnancy use?

7 A. Yes, but I never saw them.

8 Q. Okay. Whether you saw them or not, the

9 fact that they had other uses may, in fact, mean

10 that a pharmacist who received your survey or who

11 responded to your inquiries about 5-milligram DES

12 could certainly say yes to this and have never

13 dispensed a prescription that dealt with accidental

14 pregnancy; isn't that logically possible?

15 A. It's possible; not probable.

16 Q. And it's not probable because your

17 experience at the Sparr Drugstore in your view is

18 the same as the experience everybody has had

19 forever; is that right?

20 A. Yes.

21 Q. Now, what, if any, indications were there

22 for the 25-milligram DES; do you know?

23 A. That was used in problem pregnancies.

24 Q. Are there any other indications that you (12/7/04)

1 know of?

2 A. No.

3 Q. Have you made any investigation to find
4 out whether or not there were any other indications?

5 A. No.

6 Q. Do you agree with me that question 8 on
7 your survey does not tell you if any of the DES that
8 was in the stores for the pharmacists who were
9 responding was used for the treatment of accidental
10 pregnancy?

11 A. It says, "Was the pregnancy size
12 diethylstilbestrol stocked and dispensed at the
13 store in the 1960s," where it's specific about
14 pregnancy.

15 Q. You're specific about the sizes of
16 5-milligram and 25-milligram?

17 A. Correct, for pregnancy.

18 Q. But do you agree with me that that does
19 not rule out those pharmacies that may have had one
20 or other of those dosages --

21 A. There may be a few prescriptions that
22 filtered through for other purposes.

23 Q. Do you consider yourself to be an expert,

24 Mr. Sparr --

Sparr, Harold (12/7/04)

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1 Q. So how does that 110, Mr. Sparr, relate to
2 the 91 in the box above it and the 146 in the box
3 above that?

4 A. You'd have to ask Doctor Vanderschmidt.

5 Q. And as far as, it doesn't make any
6 difference as far as your opinion goes; is that
7 right?

8 A. No.

9 Q. Before I ask the next question, let me go
10 back to question No. 9 on your survey, "if a
11 customer's," customer's possessive, "prescription
12 read DES stilbestrol or diethylstilbestrol in
13 pregnancy sizes 5-milligram or 25-milligram, but no
14 brand name was indicated, what brand would have been
15 primarily dispensed"; do you see that?

16 A. Yes.

17 Q. So do I understand that you were ruling
18 out any case where any prescription specified a
19 brand?

20 A. They may have carried Squibb or Upjohn,
21 those are the other two responses that we got. And
22 unless they specified Squibb or Upjohn, they would
23 have gotten Lilly.

24 Q. Unless they specified, they would have (12/7/04)

1 gotten whatever they had in the store; isn't that
2 right?

3 A. They would have all three in the store.

4 Q. But you aim your survey to preclude any
5 sales of DES that had to do with a specified
6 prescription naming a brand name; is that right?

7 A. Repeat that.

8 Q. You aimed your survey to preclude, not
9 include, any prescription for DES that specified a
10 brand name; isn't that right?

11 A. No, they were allowed to give any brand
12 they wanted to.

13 Q. Take a look at question No. 9, Mr. Sparr.

14 A. Yes.

15 Q. You asked there only for information about
16 unspecified prescriptions; isn't that right?

17 A. Yes.

18 Q. So your survey, then, would not catch
19 information that dealt with specified prescriptions;
20 isn't that right?

21 A. That's correct.

22 Q. So if they answer the question correctly,
23 they wouldn't give you any information about
24 dispensing DES on a prescription that's specified a/7/04)

1 brand name; isn't that right?

2 A. That's right.

3 Q. Now, do you have any idea over the whole
4 spectrum of Massachusetts over the spectrum of years
5 between 1955 and 1971 how many of the prescriptions
6 were specified, that is, naming a manufacturer, as
7 opposed to unspecified?

8 A. Very small amount.

9 Q. The unspecified was very small?

10 A. Yes.

11 MR. LEVINE: Do you mean specified?

12 A. No, the specified was very small, excuse
13 me.

14 Q. And, Mr. Sparr, I have to ask you, how do
15 you know that; what is the basis for your view?

16 MR. LEVINE: From his experience.

17 A. From my experience working in the store.

18 Q. Okay. So your experience seeing
19 prescriptions --

20 A. And speaking to other people.

21 Q. So your experience at the Sparr Drugstore
22 was that very few prescriptions were specified; is
23 that right?

24 A. That's correct. Sparr, Harold (12/7/04)

1 Q. Yes, Bruce Baker, on page 10.

2 A. Page 10?

3 Q. Yes.

4 A. Okay.

5 Q. So did that signal to you that Mr. Baker
6 was perhaps uncertain of his, the breadth of his
7 memory?

8 A. No.

9 Q. So you took that as an absolutely it's
10 Lilly, and the fact that he said all those things
11 about so long ago and nothing else or you don't
12 recall as insignificant?

13 A. Right.

14 Q. And Mr. Bolero right below that, I believe
15 he's one of the ones who identified Lilly?

16 A. Yes.

17 Q. And he says, "It's as best as I can
18 remember"?

19 A. Yes.

20 Q. Did that make you wonder whether he had
21 good information or whether he --

22 A. No.

23 Q. You just counted it as solid; correct?

24 A. Correct. Sparr, Harold (12/7/04)

1 Q. On that same page, just above that on the
2 same page, Sheila Goldman?

3 A. Yes.

4 Q. She was a co-op student in 1965, what did
5 that mean to you?

6 A. That she was at Northeastern, and she was
7 a co-op student working in the drugstore.

8 Q. And do you think that her information
9 about the dispensing practices at the pharmacy is as
10 good as anybody else's information?

11 A. Yes.

12 Q. So that just counts total for you; is that
13 right, counts 100 percent?

14 A. Yes.

15 Q. On the next page, page 11, just go through
16 a couple of these, Mr. Federly, he's about 15 or 12
17 names up from the bottom, he says, "In the 7 years I
18 had the pharmacy I don't believe I dispensed more
19 than three to four prescriptions."

20 A. Um-hmm.

21 Q. Did that make you wonder if his experience
22 about dispensing DES matched your expectations of
23 what expectation that the Massachusetts experience
24 matched yours?

Sparr, Harold (12/7/04)

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1 A. He may not have been in an area where
2 there is an obstetrician's office.

3 Q. And for all we know, he may not have
4 carried these brands of DES, these dosages of DES;
5 isn't that right?

6 A. Did he say he did?

7 Q. I don't know. You're right, there was a
8 question about that, and I don't want to fight about
9 it, I'm too tired. The next page, page 13,
10 Mr. Bagley, said he believes that we stocked only
11 Lilly's, but I could be mistaken; does that make you
12 wonder whether you should do some effort to find out
13 if there was some way to corroborate Mr. Bagley's
14 memory?

15 A. No.

16 Q. Well, if he thought his memory might be
17 mistaken --

18 MR. LEVINE: I think you're arguing
19 with the witness.

20 MR. DILLON: I'm not arguing.

21 MR. LEVINE: And the criteria and the
22 evaluations was done by a statistician, not him.

23 Q. Let's go to the evaluation done by the
24 statistician, shall we, and this will be the last (12/7/04)

EXHIBIT 2

May 5, 2004

Harold B. Spart, R.Ph., D.Ph., M.S.
210 Nahanton Street, Unit 121
Newton, MA 02459

Re: Massachusetts Marketshare Study

Dear Harold:

This will authorize you to proceed with the organization and execution of a survey to determine, as best you can, the nature and extent of the share of the DES market (Stilbestrol/Diethylstilbestrol) available in the drug stores, in the State of Massachusetts, for a decade, centered in 1965.

The trustworthiness of the survey will depend on a well grounded sampling and minimilization of hearsay dangers, such as (1) the relative susceptibility to faulty memory (2) the dangers of insincerity, (3) faulty perception and (4) faulty reporting.

In order to guard against this, the following must be ensured:

- Properly defined universe
- Representative sample
- Questions that are "clear, precise, and non-leading"
- Interviewers have NO knowledge of litigation or purpose of survey
- Accurate reporting
- Proper statistical analysis
- Objectivity and impartiality

Ultimately you will be required to defend and explain your selection of approach, target population rationale, definition of universe, precision of the questions, interview procedures, perception analysis and guarantees of trustworthiness.

We are in possession of your initial Statement of November 17, 2003, which outlines the popularity of the Eli Lilly brand of DES in the greater Boston Area. Now we ask you to further explore the recollections of pharmacists and the practices, customs and procedures as they existed, to elaborate and give greater validity to that Statement, by looking at the entire market and not just Lilly. You should conduct professional,

Harold B. Sparr, R.Ph., D.Ph., M.S.
Page Two
May 5, 2005

statistical analysis, seeking to avoid any possible bias or faulty perceptions. I ask you to conduct this second stage of your research, without any preconceptions and avoid singling out any particular company. Your goal should be: "who else besides Lilly had any share of the DES market in Massachusetts."

In order that the survey and your ultimate opinions be valid, you should strive for the following:

1. Establish a methodology for the survey generally accepted by surveyors in the field, seeking to obtain an accurate picture and answer to the question: If customers walked into random retail pharmacies, in Massachusetts, with a prescription for "Stilbestrol" "Diethylstilbestrol" or "DES" in the Boston area in the decade of the 1960's, estimate as scientifically as you can, what brand or brands (in the pregnancy sizes 5_{mg} or 25_{mg}) of DES would they have received and in what ratios?
2. The survey conclusions must be testable and verifiable with an acceptable error rate for the results.
3. You should consult accepted texts in the field and design the study in accordance with accepted survey principles. Alreck and Settle "The Survey Research Handbook", published by McGraw-Hill may be used for guidance, information and design of the study and process the information received therefrom.
4. You must adjust and test for bias, faulty memory or failure to observe.
5. You have advised me of the initial design consisting of a questionnaire survey of 390 pharmacists, whose names are attached, who were selected from the Massachusetts State Board of Pharmacies, as having been licensed in 1965, which is the center-point of the time.

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span between 1958 and 1971. You have advised me that most practicable manner to sample this population is as follows:

- a) A cover letter and questionnaire, attached will be sent to the 390 pharmacists by an independent pharmaceutical firm, Peter Steere, R.Ph., M.B.A., Principal, Remedy Pharmacy Management Services, P.O. Box 726, Norfolk, MA 02056, who will be responsible for the mailing, receiving and securing the questionnaires and responses and be responsible for processing and follow-up to obtain maximum response.
- b) The raw data will be forwarded by Dr. Steere to Dr. Laura Vanderschmidt, PhD., Co-Director of the Center for Education Development and Health, Adjunct Professor of Public Health, Boston University, CEDH, 53 Bay State Road, Boston, MA 02215. for tabulation, correlation and evaluation of questionnaire responses to determine whether the response insures a reliable sample size, as well as a viable sample frame. She must expect and evaluate an error and confidence rate and take steps to determine that it does not disqualify the final survey results.
6. You will then correlate and merge the findings of the survey with the other information you have and will in the future obtain, as set forth below, regarding the nature and extent of the DES marketshare in the Massachusetts area, in the time period under focus, for the 5_{mcg} and 25_{mcg} sizes.
7. The final result of the study will be in the form of a representative matrix, as the enclosed New York and California matrix. These matrices were the product of questionable research and a settlement between the lawyers representing injured women and the drug companies over ten years ago. You should not consider them as binding but only an attempt, in those limited geographical areas, to create such a matrix between lawyers anxious to settle litigation.

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8. The survey will be a mailed, self administered questionnaire. After three weeks, non-respondents will receive follow-up telephone call to encourage their completion.
9. You must use your own independent judgment and refuse any attempts by this office to bias the survey.
10. You must not solicit any of the survey respondents or in any manner attempting to obtain slanted information.
11. You must not attempt to persuade or assist the recall of any survey respondent.
12. In the event you believe that there exists other information relevant to the appraisal of the question at hand, you may proceed in any independent direction and at your discretion other than that advised in this letter. In that respect, you may resort to any library or other data bank, for other information which you deem relevant.
13. You should be prepared to defend your choice of questionnaire subjects and the questionnaire itself, as you will probably be cross-examined as to the validity of the methodology you use and the results.
14. Although the questionnaire survey will be a significant portion of your data bank, it should complement your other sources of information, specifically personal experience, testimonial statements, and telephone investigation, as set forth below.
15. You must decide in your own mind and in consultation with Dr. Vanderschmidt, that the survey/questionnaire and the questions contained therein are the best available methods to gain the information sought and provide sufficient strength. The questionnaire and survey design should be with Dr. Vanderschmidt approval.

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16. You must maintain security of the data and keep it insulated from any attempts by any person, including this office, to distort the sampling design the data processing, collection, or interpretation.
17. You shall oversee the mailing, receipt of questionnaires, follow-ups, telephone verifications, interpretations, telephone interviewing and all other forms of data processing and data collection, performed by others with no attempts to influence or affect the final outcome of the study.
18. You shall take all steps necessary so that the study is randomized and all practicable steps have been taken to reach out to as many potential respondents as possible.
19. All statistical analysis shall be conducted, by verified and qualified persons, with sufficient academic credentials for that task.
20. You shall take all necessary steps to insure that the population surveyed actually possesses the information sought by the survey in order to insure the viability of the survey.
21. You shall insure that an independent bio-statistician determines a sampling error and provides an opinion as to the reliability of the sampling data, perimeters and size.
22. You shall take all steps to avoid sampling selection bias and have such decision approved by Dr. Vanderschmidt.
23. The survey shall be free of any leading or loaded questions which could lead to response bias. The questions should be free from confusion, simple and strive for clarity.
24. A Confidence level shall be established by a bio-statistician, who shall assess the statistical significance and outstanding deviations and perform whatever regression analysis and statistical interpretation they deem advisable. The survey should have a sufficient number of responses for the survey to carry an accepted confidence level and confidence interval.

Harold B. Sparr, R.Ph., D.Ph., M.S.
Page Six
May 5, 2005

25. You will report the findings of this survey in a manner similar to the matrices supplied. You need not find all of the manufacturers available, nor need you assign a particular number to any particular manufacturer.
26. You should read the statement and deposition of Phillip Cafferty and take into considerations those objections the Lilly lawyer voiced to Mr. Cafferty's survey and opinion and conform your study to overcome those objections.

In addition to the survey, you should review:

1. All available statements and depositions of Massachusetts pharmacists who were active in that period of time, to gain the benefit of their knowledge, as it was elucidated by a drug manufacturers' attorney. You will determine if the pharmacists deposed were accurate and objective in their remembrance of the DES market during the time under observation.
2. The advertising, promotional and informational practices of the DES manufacturers at that time, as it concerned detailing of pharmaceutical representatives, product brochures, product cards, physician's desk references, and other labeling issues and practices regarding DES.

You should additionally attempt to gain information by investigating and reviewing the following peripheral information and areas:

- a) Wholesaler or jobber practices, popularity and access, as well as any statements written, or otherwise, from wholesalers regarding prescribing practices;
- b) Pharmacy deals and promotions;
- c) Pricing of DES;
- d) Shipping procedures existing at the time;
- e) Drop ship practices;

Harold B. Sparr, R.Ph., D.Ph., M.S.
Page Seven
March 5, 2005

- f) Pricing and costs;
- g) The Red and Blue Books and any other catalogues of available pharmaceuticals;
- h) Relevant Physician Desk Reference (PDR)
- i) The actual prescriptions from physicians we have been able to reclaim and find to observe what, if any, markings they carry to denote the brand of DES dispensed for that prescription.
- j) Any other sources of information available.

Basically your study results should be rendered as the New York and California matrices amended and conformed to recreate the Massachusetts experience.

You must maintain a fiduciary relationship with this office and treat all survey information, including the processes and results as the sole property of this office on behalf of our clients. You must obtain prior permission before releasing or using any survey, information or data. You shall return all data, reports or other materials which you create in furtherance of this project to our office.

You are authorized to expend such funds as are reasonable to accomplish this project, including printing postage tabulation follow up, statistical review and reporting. I ask that you provide me with an estimated budget prior to embarking on the project to include your expected involvement. Neither your compensation, nor any future financial arrangements with this firm will have any impact from the results or even failure of the study.

Very sincerely,

Aaron M. Levine

AML:hm

Enclosures: List of Pharmacists
New York Matrix
California Matrix
Cover Letter
Questionnaire

EXHIBIT 3

MARINOL®
(dronabinol) Capsules 2.5 mg.
5 mg. 10 mg.

MR. DILLON

WHEN I RETURNED
FROM VACATION, I REALIZED
I HADN'T SENT YOU THE
LIST OF PHARMACISTS THAT
WERE SURVEYED.

Harold Sparr, RPh.

Solvay
Pharmaceuticals

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2.5 mg



5 mg



10 mg

Number	Business Name	First Name	Mi	Last Name	Gen	Address1	Address2	City/Town	State	Zip
Boptd: Description: Pharmacist										
000014424	Type description: Pharmacist	KENNETH		MR. ROSENTHAL		22 STYLES DR		PEABODY	MA	01960
Current	<input checked="" type="checkbox"/> License issued: 6/22/1964					License status: CURRENT LICENSE				
000014444		GERALD		STEINBERG		9 PRIMROSE DR		LONGMEADOW	MA	01106
Current	<input checked="" type="checkbox"/> License issued: 3/23/1965					License status: CURRENT LICENSE				
000014434		GRACE		CHUNG		218 CHELMFORD STREET		CHELMFORD	MA	01824
Current	<input checked="" type="checkbox"/> License issued: 6/22/1964					License status: CURRENT LICENSE				
000014572		HAROLD		BOUCHER		152 OLEAN ST		WORCESTER	MA	01602
Current	<input checked="" type="checkbox"/> License issued: 6/20/1966					License status: CURRENT LICENSE				
000014222		JAMES		C. MCGRATH		165 PRESIDENTIAL CIR		MARSHFIELD	MA	02050
Current	<input checked="" type="checkbox"/> License issued: 6/10/1963					License status: CURRENT LICENSE				
000014217		JAMES		MR. MURPHY		10 MURRAY RD		WOBURN	MA	01801
Current	<input checked="" type="checkbox"/> License issued: 6/10/1963					License status: CURRENT LICENSE				
000014301		JEAN		AROBITAILLE		140 KINGS HIGHWAY		HAMPTON	NH	03842
Current	<input checked="" type="checkbox"/> License issued: 6/10/1963					License status: CURRENT LICENSE				
000014514		JOHN		E. MORGAN		16 WOODLAND RD		NORWOOD	MA	02062
Current	<input checked="" type="checkbox"/> License issued: 6/21/1965					License status: CURRENT LICENSE				
000014463		JOHN		E. STANLEY		705 MT. AUBURN ST		WATERTOWN	MA	02472
Current	<input checked="" type="checkbox"/> License issued: 6/26/1967					License status: CURRENT LICENSE				
000014230		JOHN		W. LYNN		10 ROSE GLEN		ANDOVER	MA	01810
Current	<input checked="" type="checkbox"/> License issued: 6/10/1963					License status: CURRENT LICENSE				
000014762		PAUL		R. DESILETS		PO BOX 508		E SANDWICH	MA	02537
Current	<input checked="" type="checkbox"/> License issued: 6/26/1967					License status: CURRENT LICENSE				
000014534		JOSEPH		M. SINOPOLI		23 SOUTHWICK RD		N READING	MA	01864
Current	<input checked="" type="checkbox"/> License issued: 6/21/1965					License status: CURRENT LICENSE				
000014750		FRANCIS		J. CASSIDY		216 DOVER PT RD		DOVER	NH	03820
Current	<input checked="" type="checkbox"/> License issued: 6/26/1967					License status: CURRENT LICENSE				
000014519		LOUIS		PAPPIA		3441 GOLD LOGA LOOP		TUCSON	AZ	85735
Current	<input checked="" type="checkbox"/> License issued: 6/27/1965					License status: CURRENT LICENSE				
000014229		LOUIS		P. FEDELE		30 STEVIN DR		WOBURN	MA	01801
Current	<input checked="" type="checkbox"/> License issued: 6/10/1963					License status: CURRENT LICENSE				

Number	Business Name	First Name	Mi	Last Name	Gen	Address1	Address2	City/Town	State	Zip
000014313		DANIEL	W	SULLIVAN		48 BEACON ST	APT 6F	BOSTON	MA	02108
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 12/31/2004						VERO BEACH	FL	32962
000014338		DAVID	A	LARAMEE		180 12TH PLACE SE				
Current <input checked="" type="checkbox"/>	License issued: 10/15/1963	License expires: 12/31/2004				276 CODMAN HILL ROAD	UNIT 6A	BOXBORO	MA	01719
000014348		FREEMAN	K	PORT						
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014443		DAVID	M	ABELOW		2140 N BRANDYWINE ST		ARLINGTON	VA	22207
Current <input checked="" type="checkbox"/>	License issued: 6/21/1965	License expires: 12/31/2004				5 PLEASANT VLY RD		FEEDING HILLS	MA	01030
000014747		FRANK		BEONICONTI				MEAD	WA	99021
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004				1465 NO FAIRVIEW DR				
000014749		DENNIS		MORIN				GREENFIELD	MA	01301
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004				111 BEACH ST				
000014767		DONALD	P	DUFREY						
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004				701 W MAGNOLIA		STOCKTON	CA	95023
000014592		DONALD	G	FLORIDIAD						
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014575		DONALD	H	CAMPBELL				DOVER	DE	19904
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 12/31/2004				312 KESSELING AVE				
000014845		EDWARD	N	PIERCE		110 COLESEUM AVE.		NASHUA	NH	03063
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004				5014 WAYCROSS DRIVE		HOUSTON	TX	77035
000014817		ELIZABETH F	M	MARBACH						
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004				3014 WAYCROSS DRIVE		CHARLESTON	SC	29407
000014683		ERIC	G	UDOWSKY		30 ARABIAN DRIVE				
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 12/31/2004				17 SUSAN LANE		MIDDLEBORO	MA	02346
000014629		EVERETT	E	LAGERDA						
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 12/31/2004				174 MILL RD		CHELMSFORD	MA	01824
000014448		FOTINE ALEX	M	MCCARTHY						
Current <input checked="" type="checkbox"/>	License issued: 6/21/1965	License expires: 12/31/2004				54 STRIDER LN		E FALMOUTH	MA	02336
000014218		PAUL	T	COHEN						
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 12/31/2004				5401 OVERTON RIDGE BLVD	APT 1515	FORT WORTH	TX	76132
000014619		DAVID	A	MARSH						
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004				License status: CURRENT LICENSE				

Number	Business Name	First Name	Mi	Last Name	Gen	Address#1	Address#2	City/Town	State	Zip
000014632	THOMAS LIM	LEE				76 UPTON RD		WALTHAM	MA	02452
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 12/31/2004								
000014308	SHERWIN G SHECHET			31 BALDWIN ST				PEABODY	MA	01960
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 12/31/2004								
000014803	STANLEY LIEBERMAN			429 LUDLOW ST				PORTLAND	ME	04102
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004						DERFIELD	NH	03037
000014736	STEVEN C ANDERSON			47 NOTTINGHAM RD				BURLINGTON	MA	01803
Current <input checked="" type="checkbox"/>	License issued: 6/28/1967	License expires: 12/31/2004						QUINCY	MA	02169
000014810	STEVEN E WASSERMAN			3 INDIAN HILL RD				PO BOX 572 BARNSTABLE	MA	02630
Current <input checked="" type="checkbox"/>	License issued: 6/21/1967	License expires: 12/31/2004								
000014293	SUSAN MC CONNOLLY			10 ASHLAND ST				SPRINGFIELD	MA	01104
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 12/31/2004								
000014339	TERENCE M BROOKS			20 BAYVIEW RD				SPRINGFIELD	MA	01128
Current <input checked="" type="checkbox"/>	License issued: 6/22/1964	License expires: 12/31/2004								
000014446	TERRY A ABERDALE			74 THORNFELL ST				UXBRIDGE	MA	01569
Current <input checked="" type="checkbox"/>	License issued: 6/21/1965	License expires: 12/31/2004								
000014730	TERESA M GIBNEY			99 ORALIA DR				UXBRIDGE	MA	01569
Current <input checked="" type="checkbox"/>	License issued: 6/13/1967	License expires: 12/31/2004								
000014423	THOMAS R RICE			46 PLEASANT ST				UXBRIDGE	MA	01569
Current <input checked="" type="checkbox"/>	License issued: 6/24/1964	License expires: 12/31/2004								
000014586	PAUL E DUSSAULT			295 MAIN ST				UXBRIDGE	MA	01569
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 12/31/2004								
000014611	THOMAS K HALL			10 BROWNFELD DR				UXBRIDGE	MA	01569
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 12/31/2004								
000014474	SELYN C FREEDMAN			2931 CARA COURT				PALM HARBOR	FL	34684
Current <input checked="" type="checkbox"/>	License issued: 6/21/1965	License expires: 12/31/2004								
000014271	WILLIAM A MACDONALD			67 BENNETT HILL RD				ROWLEY	MA	01969
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 12/31/2004								
000014752	WILLIAM F CHAMPION			339 BACON ST				WALTHAM	MA	02451
Current <input checked="" type="checkbox"/>	License issued: 6/11/1967	License expires: 12/31/2004								
000014613	WILLIAM L HERSEY			78 MOSELEY AVE				NEWBURYPORT	MA	01950
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 12/31/2004								

Number	Business Name	First Name	Mi	Last Name	Gen	Address1	Address2	City/Town	State	Zip	
00001422	WILLIAM R PRINCIPES	WILLIAM	R	PRINCIPES		1463 BRIGADIER DR		SPRING HILL	FL	34608	
Current <input checked="" type="checkbox"/>	License issued: 6/22/1964					License expires: 12/31/2004	License status: CURRENT LICENSE				
00001426	A PETER KOHL	A PETER		KOHL						03087	
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966					License expires: 12/31/2004	License status: CURRENT LICENSE				
00001466	BARRY KATZ	BARRY		KATZ		43 PROSPECT AVE		PO BOX 125	WINDHAM	NH	03087
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966					License expires: 12/31/2004	License status: CURRENT LICENSE				
00001436	AUSTIN W CONNORS	AUSTIN	W	CONNORS		PR. 23 BEACH RD			ARLINGTON	MA	02476
Current <input checked="" type="checkbox"/>	License issued: 6/22/1964					License expires: 12/31/2004	License status: CURRENT LICENSE				
00001479	R. KATOF	R. KATOF				24 TARA DR			GLoucester	MA	01930
Current <input checked="" type="checkbox"/>	License issued: 6/24/1967					License expires: 12/31/2004	License status: CURRENT LICENSE				
00001474	ALBERT A. BELMONT	ALBERT	A.	BELMONT		199 MCKAY ST			POMONA	NY	10970
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967					License expires: 12/31/2004	License status: CURRENT LICENSE				
00001445	H. BORYSEK	H.		BORYSEK				PO BOX 21	BEVERLY	MA	01915
Current <input checked="" type="checkbox"/>	License issued: 6/21/1965					License expires: 12/31/2004	License status: CURRENT LICENSE				
00001481	ROBERT E. LUMSDEN	ROBERT	E.	LUMSDEN		PR. 17630 CANAL COVE CR		PO BOX 21	FT MYERS BEACH	FL	33931
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967					License expires: 12/31/2004	License status: CURRENT LICENSE				
00001451	PHILIP A. RUGGIERO	PHILIP	A.	RUGGIERO		148 THOREAUST			CONCORD	MA	01702
Current <input checked="" type="checkbox"/>	License issued: 6/21/1964					License expires: 12/31/2004	License status: CURRENT LICENSE				
00001427	G. SANDSTRUM	G.		SANDSTRUM		15 CROSSED			W CHESTERFIELD	NH	03466
Current <input checked="" type="checkbox"/>	License issued: 6/21/1965					License expires: 12/31/2004	License status: CURRENT LICENSE				
00001463	PHILIP J. TALLEY	PHILIP	J.	TALLEY		2035 LAGUNA VISTA DR			NOVATO	CA	94947
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966					License expires: 12/31/2004	License status: CURRENT LICENSE				
00001478	RAYMOND E. MATTRESS	RAYMOND	E.	MATTRESS		PR. 76 FARRAR AVE			WORCESTER	MA	01604
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963					License expires: 12/31/2004	License status: CURRENT LICENSE				
00001434	RICHARD KOKUSZKA	RICHARD		KOKUSZKA		314 SIBLEY AVE			W. SPRINGFIELD	MA	01089
Current <input checked="" type="checkbox"/>	License issued: 1/15/1963					License expires: 12/31/2004	License status: CURRENT LICENSE				
00001423	RICHARD P. MACINTOSH	RICHARD	P.	MACINTOSH		1630 WORCESTER RD		APT 61C	FRAMINGHAM	MA	01702
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963					License expires: 12/31/2004	License status: CURRENT LICENSE				
00001424	G. MOORE	RICHARD	G.	MOORE		PR. 624 BRAIDWOOD RUN			ACWORTH	GA	30101
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963					License expires: 12/31/2004	License status: CURRENT LICENSE				
00001474	J. BUDNESS	J. BUDNESS	J.	BUDNESS		475 CENTRAL TURNPIKE			SUTTON	MA	01590
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967					License expires: 12/31/2004	License status: CURRENT LICENSE				

Number	Business Name	First Name	Mi	Last Name	Gen	Address1	Address2	City/Town	State	Zip
000014221		RICHARD	J	CONNOLLY		LYNN SHORE TOWERS	291 LYNNSHORE DRV LYNN		MA	01902
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014429		SHERWIN		SOLOMON		28 PRIOR DR		FRAMINGHAM	MA	01701
Current <input checked="" type="checkbox"/>	License issued: 6/22/1964	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014494		ROBERT		KEARNEY		3 LEB RD		WOBBURN	MA	01801
Current <input checked="" type="checkbox"/>	License issued: 6/7/1965	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014659		SHELDON	M	PORETSKY		1030 6TH STREET		LAS VEGAS	NM	87701
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014209		ROBERT	J	BRANAGAN		40 COREY LN		NIANTIC	CT	06357
Current <input checked="" type="checkbox"/>	License issued: 6/1/1963	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014846		ROBERT	M	PITTMAN		11 FISHERMAN RD		FARHAVEN	MA	02719
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014417		ROBERT	P	PASQUARIELLO		18 OLD COLONY RD		ARLINGTON	MA	02474
Current <input checked="" type="checkbox"/>	License issued: 6/22/1964	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014775		ROBERT	R	FRITON		5 SCOTT DRIVE		CHELMSFORD	MA	01824
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014483		RONALD	N	CUMMND		1689 IRONSIDES AVE		MELBURNE	FL	32940
Current <input checked="" type="checkbox"/>	License issued: 6/21/1963	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014397		RONALD P E		LAFOSSE		41 POSCO AVE		LEOMINSTER	MA	01453
Current <input checked="" type="checkbox"/>	License issued: 6/22/1964	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014295		SANDRA	A	LEINSKI		8 BROOKFIELD CIR		WELLESLEY	MA	02481
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014402		SAMUEL	J	PENTIA		56 PERLEY AVE				
Current <input checked="" type="checkbox"/>	License issued: 6/22/1964	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014599		SANDRA ANN		SUGARMAN		9066 SE 135 LQOP		SUMMERFIELD	FL	34491
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014753		ANTHONY	W	CHEVRAIRE		15 BROOKVIEW DR		WESTFORD	MA	01886
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014460		RICHARD	T	CONNOLLY		4 SHAGBARK RD		SEASTON	MA	02375
Current <input checked="" type="checkbox"/>	License issued: 6/21/1965	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014352		JOHN	L	BASTEY		PO BOX 735		BUCKSPORT	ME	04416
Current <input checked="" type="checkbox"/>	License issued: 6/22/1964	License expires: 12/31/2004				License status: CURRENT LICENSE				

Number	Business Name	First Name	Mi	Last Name	Gen	Address1	Address2	City/Town	State	Zip
000014337		HOWARD	R	LANZA		39 MASON RD		DUXBURY	MA	01571
Current <input checked="" type="checkbox"/>	License issued: 10/15/1963					License expires: 12/31/2004	License status: CURRENT LICENSE		NASHUA	NH 03060
000014357		JAMES	A	CLEMONS		21 BOOTH ST				
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967					License expires: 12/31/2004	License status: CURRENT LICENSE		PO BOX 129	ROCHESTER MA 02770
000014364		JAMES	B	KERSHAW		13 GERRISH RD				
Current <input checked="" type="checkbox"/>	License issued: 6/26/1966					License expires: 12/31/2004	License status: CURRENT LICENSE		PO BOX 292	W HYANNISPORT MA 02672
000014361		JAMES	D	GARVEY		18 R				
Current <input checked="" type="checkbox"/>	License issued: 6/26/1966					License expires: 12/31/2004	License status: CURRENT LICENSE		PO BOX 2510	OAK BLUFFS MA 02557
000014307		JAMES	F	BARRY						
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963					License expires: 12/31/2004	License status: CURRENT LICENSE			
000014345		JAMES	F	NAFF		18 R 25 MUGGETT HILL ROAD		CHAUTON	MA	01507
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966					License expires: 12/31/2004	License status: CURRENT LICENSE			
000014355		JAMES	G	MCDONNELL		168 HARVARD RD		LITTLETON	MA	01460
Current <input checked="" type="checkbox"/>	License issued: 6/21/1965					License expires: 12/31/2004	License status: CURRENT LICENSE			
000014333		JAMES	H	STEWART		JR 100 SOUTHDENE LAKE CIR		PNT VEDRA BCH FL		32082
Current <input checked="" type="checkbox"/>	License issued: 6/22/1964					License expires: 12/31/2004	License status: CURRENT LICENSE			
000014349		JONI	M	MILLER		44 QUINCY ST		SHARON	MA	02067
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966					License expires: 12/31/2004	License status: CURRENT LICENSE			
000014354		MARGARET	A	PETERS		1287 MAIN ST		LEOMINSTER	MA	01453
Current <input checked="" type="checkbox"/>	License issued: 6/21/1966					License expires: 12/31/2004	License status: CURRENT LICENSE			
000014365		JOHN	P	DONLON				ALPINE	CA	91901
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967					License expires: 12/31/2004	License status: CURRENT LICENSE			
000014455		GERARD	M	BOYCE		57 OAKLAND AVE		AUBURNDALE	MA	02466
Current <input checked="" type="checkbox"/>	License issued: 6/21/1963					License expires: 12/31/2004	License status: CURRENT LICENSE			
000014850		JOHN	R	RAPOZA		JR 508 ELM AVE		MOORESTOWN	NJ	08057
Current <input checked="" type="checkbox"/>	License issued: 6/7/61/1967					License expires: 12/31/2004	License status: CURRENT LICENSE			
000014333		JOHN	T	NAZZARO		19113 HOLBERTON LN		BROOKVILLE	MD	20833
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967					License expires: 12/31/2004	License status: CURRENT LICENSE			
000014451		JOSEPH		BALIRO		110 140 ELMWOOD RD		SWAMPSCOTT	MA	01907
Current <input checked="" type="checkbox"/>	License issued: 6/21/1965					License expires: 12/31/2004	License status: CURRENT LICENSE			
000014370		JOSEPH	P	CRUZA		3 CANDY LANE		BRIDGEWATER	MA	02324
Current <input checked="" type="checkbox"/>	License issued: 6/22/1964					License expires: 12/31/2004	License status: CURRENT LICENSE			

Number	Business Name	First Name	Mi	Last Name	Gen	Address1	Address2	City/Town	State	Zip
00001422		KEVIN		M. MCNEILANAY		17 ATTICASH WOODS	P.O. BOX 1258	GLEN	NH	03838
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004								
00001430		LANE	E.	FELDMAN		486 OLD FARM ROAD		FRANKLIN	MA	02038
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 12/31/2004								
00001426		LEONARD	C.	MICHALAK		73 WASHBURN ST		NORTHBORO	MA	01532
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004								
00001454		LESLIE		SUCKNEY		60 AUDREY AVE		NEEDHAM	MA	02492
Current <input checked="" type="checkbox"/>	License issued: 6/21/1965	License expires: 12/31/2004								
00001424		BRUCE	M.	BAKER		67 JOYCE DR		STOUGHTON	MA	02072
Current <input checked="" type="checkbox"/>	License issued: 6/22/1964	License expires: 12/31/2004								
00001456		JOHN		B. ROBINSON		21 COTTONTWOOD DR		HUDSON	NH	03051
Current <input checked="" type="checkbox"/>	License issued: 6/21/1965	License expires: 12/31/2004								
00001421		ERNEST	A.	BRUZZESE		65 CUSHMAN AVE		REVERE	MA	02151
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 12/31/2004								
00001456		C. CHARLES		MARGARET		MAIN ST	P.O. BOX 268	SOUTHBORO	MA	01772
Current <input checked="" type="checkbox"/>	License issued: 6/21/1965	License expires: 12/31/2004								
00001457		CHARLES	F.	DEFINE		77 OAKEN BUCKET RD		NORWELL	MA	02061
Current <input checked="" type="checkbox"/>	License issued: 6/21/1965	License expires: 12/31/2004								
00001457		CLYDE	N.	COLE		1053 W GRAND AVE		CHICAGO	IL	60632
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 12/31/2004								
00001462		COLMAN	M.	HERMAN		1200 ADAMS ST		DORCHESTER	MA	02124
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 12/31/2004								
00001426		DAVID		PETERS			P.O. BOX 133	CALAIS	ME	04619
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 12/31/2004								
00001456		DAVID	B.	MOORE		8814 FALCON RIDGE DR		RANDALLSTOWN	MD	21133
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004								
00001460		DAVID	P.	POULIN		71 PINE VIEW DRIVE		BREWSTER	MA	02631
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 12/31/2004								
00001451		DEXTER	P.	BLOIS		2 OLD NOURSE ST		WESTBOROUGH	MA	01581
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 12/31/2004								

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00014647	HARRY OFLOS	HARRY				214 WINTHROP ST		WINTHROP	MA	02152
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 12/31/2004				License status: CURRENT LICENSE				
00014763	EMANUEL J. DILIBERTO	EMANUEL	J.	DILIBERTO	JR.	6 GORHAM PL		DURHAM	NC	27705
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004				License status: CURRENT LICENSE				
00014853	HAROLD J. ROSS	HAROLD	J.	ROSS		71 BITTERSWEET LN		RANDOLPH	MA	02368
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004				License status: CURRENT LICENSE		DRAUCUT	MA	01826
00014652	EVERETT F. PENNEY	EVERETT	F.	PENNEY	JR.	56 DOYLE AVE				
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 12/31/2004				License status: CURRENT LICENSE				
00014547	FERNAND A. THERIAULT	FERNAND	A.	THERIAULT		15 BRIARWOOD CIR		CHESTER	CT	06410
Current <input checked="" type="checkbox"/>	License issued: 6/21/1963	License expires: 12/31/2004				License status: CURRENT LICENSE		WELLS	ME	04090
00014815	FRANCIS P. MAMORE	FRANCIS	P.	MAMORE		29 ISLAND BEACH RD				
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004				License status: CURRENT LICENSE		SHADLEY	MA	01075
00014311	FRANK J. SKRZYNIARZ	FRANK	J.	SKRZYNIARZ		124 LYMAN ST				
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 12/31/2004				License status: CURRENT LICENSE		MARLBORO	MA	01752
00014310	FRANKLIN N. SILVERMAN	FRANKLIN	N.	SILVERMAN		28 BLOSSOM LANE				
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 12/31/2004				License status: CURRENT LICENSE				
00014832	FRED E. NATHANSON	FRED	E.	NATHANSON		DRAKE TOWER		140 N ANDREWS AVE, FT LAUDERDALE	FL	33311
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004				License status: CURRENT LICENSE				
00014470	GEORGE F. O'DONAGHY	GEORGE F.	O'	DONAGHY		12 DIANA DR		CANTON	MA	02021
Current <input checked="" type="checkbox"/>	License issued: 6/26/1965	License expires: 12/31/2004				License status: CURRENT LICENSE				
00014778	GERALD B. GARAGAN	GERALD	B.	GARAGAN		77 LARNED RD		OXFORD	MA	01540
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004				License status: CURRENT LICENSE		ACWORTH	GA	30101
00014496	GERALD F. KOREY	GERALD	F.	KOREY		1202 BENBROOK CT NW		FLANDERS	NY	07836
Current <input checked="" type="checkbox"/>	License issued: 6/21/1965	License expires: 12/31/2004				License status: CURRENT LICENSE				
00014614	MARK J. CANA	MARK	J.	CANA		32 CORY RD				
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 12/31/2004				License status: CURRENT LICENSE				
00014442	EDWARD F. DYER	EDWARD	F.	DYER		20 SCARBOROUGH RD		CUMBERLAND	RI	02864
Current <input checked="" type="checkbox"/>	License issued: 12/1/1964	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014389	WILLIAM A. GOUVEIA	WILLIAM	A.	GOUVEIA		87 DOUGLAS RD		BELMONT	MA	02478
Current <input checked="" type="checkbox"/>	License issued: 6/22/1964	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014503	RYLANCE ALLAN LORD	RYLANCE	ALLAN	LORD		1302 N LIMESTONE ST		SPRINGFIELD	OH	45503
Current <input checked="" type="checkbox"/>	License issued: 6/21/1963	License expires: 12/31/2004				License status: CURRENT LICENSE				

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000014724	SARA REBECCA HRESH	SARA		REBECCA HRESH		SAGAMORE TOWERS	115 W SQUINTUM ST AP NORTH QUINCY	MA	02171		
Current	License issued: 1/31/1967	License expires: 1/23/2004				License status: CURRENT LICENSE					
000014739	STANLEY A. BARANOSKY	STANLEY	A.	BARANOSKY		77 MALBONE RD		NEWPORT	RI	02840	
Current	License issued: 6/26/1967	License expires: 12/31/2004				License status: CURRENT LICENSE					
00001482	STANLEY J. SOKOLOWSKI	STANLEY	J.	SOKOLOWSKI		245 VINE ST		EVERETT	MA	02149	
Current	License issued: 6/26/1967	License expires: 12/31/2004				License status: CURRENT LICENSE					
000014872	STANLEY C. TEFFENMAN	STANLEY	C.	TEFFENMAN		35 ROCKWOOD LN		POLAND	ME	04274	
Current	License issued: 6/26/1967	License expires: 12/31/2004				License status: CURRENT LICENSE		PO BOX 2041	BRICKTON	MA	02305
000014961	STEPHEN H. BRYANT	STEPHEN	H.	BRYANT				W HARTFORD	CT	06117	
Current	License issued: 6/26/1964	License expires: 12/31/2004				License status: CURRENT LICENSE					
000014959	STEPHEN H. SENDER	STEPHEN	H.	SENDER		46 FULLER DR		BOSTON	MA	02108	
Current	License issued: 6/26/1965	License expires: 12/31/2004				License status: CURRENT LICENSE					
000014847	STEPHEN K. POLONSKY	STEPHEN	K.	POLONSKY		49 BEACON ST					
Current	License issued: 6/26/1967	License expires: 12/31/2004				License status: CURRENT LICENSE					
000014861	STEVEN A. SIEMAR	STEVEN	A.	SIEMAR		52 GOLDCLIFF RD		MAIDEN	MA	02148	
Current	License issued: 6/26/1967	License expires: 12/31/2004				License status: CURRENT LICENSE					
000014700	LOUIS E. PISTOCO	LOUIS	E.	PISTOCO		305 JOHN REZZA DR		NATLLEBORO	MA	02763	
Current	License issued: 7/12/1966	License expires: 12/31/2004				License status: CURRENT LICENSE					
000014697	WALTER A. WEGONSAYCH	WALTER	A.	WEGONSAYCH		69 WILLIAM ST		STONEHAM	MA	02180	
Current	License issued: 6/26/1966	License expires: 12/31/2004				License status: CURRENT LICENSE					
000014636	RONNEY D. MACDONALD	RONNEY	D.	MACDONALD				PO BOX 37	JEFFERSON	ME	04348
Current	License issued: 6/26/1966	License expires: 12/31/2004				License status: CURRENT LICENSE					
000014580	WILLIAM J. DELEO	WILLIAM	J.	DELEO		95 PERRY RD		BEDFORD	NH	03110	
Current	License issued: 6/26/1966	License expires: 12/31/2004				License status: CURRENT LICENSE					
000014284	WILLIAM J. MCDONNELL	WILLIAM	J.	MCDONNELL		13668 MRA MONTANA DR		DEL MAR	CA	92014	
Current	License issued: 6/10/1963	License expires: 12/31/2004				License status: CURRENT LICENSE					
000014609	WILLIAM S. WERNER	WILLIAM	S.	WERNER		105 CRAIGIE ST		PORTLAND	ME	04102	
Current	License issued: 6/20/1966	License expires: 12/31/2004				License status: CURRENT LICENSE					
000014566	WYMAN JR. ALLARD	WYMAN	JR.	ALLARD		18 BARNESDALE RD		NATICK	MA	01760	
Current	License issued: 6/20/1966	License expires: 12/31/2004				License status: CURRENT LICENSE					
000014517	BETSY SCHIFFMAN	BETSY		SCHIFFMAN		6965 PARISIAN WAY		LAKE WORTH	FL	33467	
Current	License issued: 6/12/1965	License expires: 12/31/2004				License status: CURRENT LICENSE					

Number	Business Name	First Name	Mi	Last Name	Gen	Address1	Address2	City/Town	State	Zip
000014318		BARRY	M	WEINDART		31 DELORENZO DR		RANDOLPH	MA	02368
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014359		ALLAN F	J	ESPER		SR 41 CRESTFIELD LN		LEOMINSTER	MA	01453
Current <input checked="" type="checkbox"/>	License issued: 6/20/1956	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014316		ALLEN	C	SILVERMAN		60 BALTIMORE ST	APT 3R	LYNN	MA	01902
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014315		ALLEN	M	WISCOTT		9161 SPRING RUN BLVD	UNIT 1710	BONITA SPRINGS	FL	34135
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014381		SUZANNE	M	MCEWANEY		2 VALLEY ST		W BOYLSTON	MA	01583
Current <input checked="" type="checkbox"/>	License issued: 6/20/1967	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014456		RAYMOND	P	CHARPENTER		3 PICKENS AVE	PO BOX 785	W FREETOWN	MA	02717
Current <input checked="" type="checkbox"/>	License issued: 6/21/1965	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014672		MARTIN	N	SEGAL		103 FOREST CREST CT		OCOEE	FL	34761
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014398		MAX		LAGER		41 FLORENCE ST		EVERETT	MA	02149
Current <input checked="" type="checkbox"/>	License issued: 6/22/1964	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014617		MICHAEL	P	KAVULA		990 HARVEY RD		SARDINA	OH	45171
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014428		MICHAEL	T	SAMALE		140 STOCKBRIDGE RD	PO BOX 682	LENOX	MA	01240
Current <input checked="" type="checkbox"/>	License issued: 6/22/1964	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014670		MONTY		SCHWARTZ		236 WILLIAMSBURG DR		LONGMEADOW	MA	01106
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014435		PATRICIA AN		KRAVETZ		119 SAMOSET AVE		MANSFIELD	MA	02048
Current <input checked="" type="checkbox"/>	License issued: 6/22/1964	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014776		PAUL	N	FOLTA		125 WEST STREET		SANDISFIELD	MA	01255
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014420		PAUL	J	PICHIERI		JR 133-223 TUTU PARK		ST THOMAS	VI	00802
Current <input checked="" type="checkbox"/>	License issued: 6/20/1964	License expires: 12/31/2004				License status: CURRENT LICENSE		SOMERVILLE	MA	02145
000014376		PAUL	S	DRISCOLL		ILLINOIS AVE				
Current <input checked="" type="checkbox"/>	License issued: 6/20/1964	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014335		RONALD	J	DEMARIA		3 TROPEANO COURT		BELMINGHAM	MA	02019
Current <input checked="" type="checkbox"/>	License issued: 10/15/1963	License expires: 12/31/2004				License status: CURRENT LICENSE				

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00001431		PETER	J	MAGONE	JR	21 HERITAGE DR		PROSPECT	CT	06712
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004				License status: CURRENT LICENSE				
00001437		ROGER	C	MICHAUD		322 BRIGGS RD		WESTPORT	MA	02790
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004				License status: CURRENT LICENSE				
00001443		RICHARD		ANJARIAN		55 HILL RD		BELMONT	MA	02478
Current <input checked="" type="checkbox"/>	License issued: 6/22/1964	License expires: 12/31/2004				License status: CURRENT LICENSE		LEXINGTON	MA	02420
00001446		RICHARD	H	HAROUTOUNIAN		2 JOHN HOSMER LN				
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 12/31/2004				License status: CURRENT LICENSE				
00001446		RICHARD	F	SCALERA		10 JULIANA DRIVE		BRAFORD	MA	01835
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004				License status: CURRENT LICENSE				
00001473		ROBERT		KAPARAIN		24 THOMAS DRIVE		CHEMFSORD	MA	01824
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014820		ROBERT	B	MCADAM		45 SHIPS WAY		BOURNE	MA	02532
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014822		ROBERT	B	ROSEN		187 BISHOPS FOREST DR		WALTHAM	MA	02452
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014304		ROBERT		M SAMSON		31 HOWLAND RD		LAKEVILLE	MA	02347
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014693		ROBERT		E VOLANSK		PO BOX 54		GREENFIELD	MA	01302
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014224		ROBERT	W	DOBREK		125 FERNWOOD DR		LONGMEADOW	MA	01028
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014873		ALFRED		TEZZI		JR 57 KNOLLWOOD DR		OLD SAYBROOK	CT	06475
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014530		PAULINE	V	ROY		170 YANKEE PEPPER DR		SOMERSET	MA	02726
Current <input checked="" type="checkbox"/>	License issued: 6/21/1965	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014235		JAMES	I	GALBOTA		PO BOX 47		ROLLINSFORD	NH	03469
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014849		WILLIAM	F	QUINN		JR 36 ADDISON ST		BROCKTON	MA	02301
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014286		ELIZABETH	C	SILVERMAN		128 BLOSSOM LANE		MARLBORO	MA	01752
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 12/31/2004				License status: CURRENT LICENSE				

Number	Business Name	First Name	Mi	Last Name	Gen	Address1	Address2	City/Town	State	Zip
000014779		BERNST	P	GATES	JR	ONE MEETING HOUSE SQ		MIDDLETON	MA	01949
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 1/23/2004				License status: CURRENT LICENSE				
000014676		FLORENCE	J	S. WALSH			PO BOX 33	CLINTON	MA	01510
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 1/23/2004				License status: CURRENT LICENSE				
000014233		FRANCIS	P	FORZATI		3621 HWY 255 NORTH		SAUTEE	GA	30571
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 1/23/2004				License status: CURRENT LICENSE				
000014407		FRED		MATULA		123 NEW JERSEY AVE		SOMERSET	MA	02726
Current <input checked="" type="checkbox"/>	License issued: 6/22/1964	License expires: 1/23/2004				License status: CURRENT LICENSE				
000014474		FREDERICK	P	TURNER		35 JANET RD		CHELMSFORD	MA	01824
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 1/23/2004				License status: CURRENT LICENSE				
000014369		GENE		BELLE		255 NORTH RD	UNI #7	CHELMSFORD	MA	01824
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 1/23/2004				License status: CURRENT LICENSE		ARLINGTON	MA	02474
000014650		GEORGE	W	PAPPAS		67 BEVELY RD				
Current <input checked="" type="checkbox"/>	License issued: 6/20/1968	License expires: 1/23/2004				License status: CURRENT LICENSE				
000014396		EDWARD	T	KELLY		38 LOOKOUT Mtn DR		MANCHESTER	CT	06040
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 1/23/2004				License status: CURRENT LICENSE				
000014432		JAMES	H	GRODMAN		9 ACORN DR		RANDOLPH	MA	02368
Current <input checked="" type="checkbox"/>	License issued: 6/21/1965	License expires: 1/23/2004				License status: CURRENT LICENSE				
000014395		DONALD	E	FOX		31 NO WOODCREST DR		MELROSE	MA	02176
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 1/23/2004				License status: CURRENT LICENSE				
000014879		WALLES	J	WALL		15 JOANNA DR		FOXBORO	MA	02035
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 1/23/2004				License status: CURRENT LICENSE				
000014593		JEAN FONTAN		CASALE		1170 MAIN ST		BOSTON	MA	01505
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 1/23/2004				License status: CURRENT LICENSE				
000014787		JEFFREY	C	HARSFIELD		23 CEDAR CREST RD		CANTON	MA	02021
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 1/23/2004				License status: CURRENT LICENSE				
000014382		HEROME	P	DENMARK		316 KNOWVIEW DR		WINSTON SALEM	NC	27104
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 1/23/2004				License status: CURRENT LICENSE				
000014773		JOAN	S	LENTINE		7505 RADNOR RD		BETTESDA	MD	20817
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 1/23/2004				License status: CURRENT LICENSE				
000014302		JOHN	B	ROMANOWSKI		20 MARLAINE RD		WALTHAM	MA	02432
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 1/23/2004				License status: CURRENT LICENSE				

Number	Business Name	First Name	Mi	Last Name	Gen	Address ¹	Address ²	City/Town	State	Zip
080014664		JOHN	C	RIZZOTTO		23 EAGLE DRIVE		TEWKSBURY	MA	01876
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 12/31/2004								
Current <input checked="" type="checkbox"/>	License issued: 6/21/1962	JOHN	F	BERTOLAMI		95 SOUTH MAIN ST		COHASSET	MA	02025
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004								
080014742		JOHN	G	CORCORAN	JR.	80 CLARK ST		EVERETT	MA	02149
Current <input checked="" type="checkbox"/>	License issued: 6/21/1965	License expires: 12/31/2004								
080014461		J TINA		CARRIUOLO		5929 149TH AVE SE		BELLEVUE	WA	98006
Current <input checked="" type="checkbox"/>	License issued: 6/22/1964	License expires: 12/31/2004						HUDSON	NH	03051
080014658		CAROL	A	POMPERET		30 WINSLOW FARM RD		LUNENBURG	MA	01462
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 12/31/2004								
080014267		WATNE	H	CONRAD		BOX 438				
Current <input checked="" type="checkbox"/>	License issued: 6/22/1964	License expires: 12/31/2004								
080014567		WILLIAM	M	HAIGLEY	JR.	PO BOX 116		BELMONT	MA	02478
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 12/31/2004								
080014790		ALAN	D	HUGHES		14 GOULD ST		NEW BEDFORD	MA	02740
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004								
080014406		WILLIAM	J	MADDEN	JR.	61 ROBERT RD		STOUGHTON	MA	02072
Current <input checked="" type="checkbox"/>	License issued: 6/22/1964	License expires: 12/31/2004								
080014492		ALLAN	E	SHATZ		28 CONSIDINE RD		NEWTON CENTER	MA	02459
Current <input checked="" type="checkbox"/>	License issued: 6/21/1965	License expires: 12/31/2004								
080014228		ALFRED		PALLAVOLITA	JR.	30 AUTUMN CREEK LN		EAST AMHERST	NY	14051
Current <input checked="" type="checkbox"/>	License issued: 6/21/1963	License expires: 12/31/2004								
080014430		ANTHONY	R	SPAGONE		69 TERRY LOU AVE		E FALMOUTH	MA	02536
Current <input checked="" type="checkbox"/>	License issued: 6/22/1964	License expires: 12/31/2004								
080014808		ARTHUR	Q	LEHRMAN		30 SOUTH 2000E		SALT LAKE CITY	UT	84112
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004								
080014430		BERNARDIN	C	GOLDSMITH		8112 TOWER BRIDGE AVE		LAS VEGAS	NV	89117
Current <input checked="" type="checkbox"/>	License issued: 6/21/1965	License expires: 12/31/2004								
080014289		BILERN	M	MORGAN		350 REVERE BEACH BLVD		REVERE	MA	02149
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 12/31/2004								
080014835		BERTRAM	A	NICHOLAS	JR.	37 THOMPSON FOND RD		SPENCER	MA	01562
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004								

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000014244		JOHN		W. GUARNERA		2 TAYLOR ST		SO HADLEY	MA	01075
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 12/31/2004								
000014191		CHARLES	A	EICKHOFF		1502 FIRST AVE		NEBRASKA CITY	NE	68410
Current <input checked="" type="checkbox"/>	License issued: 4/20/1963	License expires: 12/31/2004								
000014318		CHARLOTTE	R	MARINO		85 WEST STREET		MEDFORD	MA	02155
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004								
000014312		CONSTANCE	M.	RANCOURT		1435 HIGHLAND AVE		FALL RIVER	MA	02720
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004								
000014383		DANIEL	B	DOHERTY		13 BOW ST		WOBURN	MA	01801
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 12/31/2004								
000014410		DAVID		MOROCO		16 HARRISON ST		NEWTON HIGHLAND	MA	02461
Current <input checked="" type="checkbox"/>	License issued: 6/22/1964	License expires: 12/31/2004								
000014451		DAVID		RAYMOND		1011 LONDONDERRY		BEL AIR	MD	21014
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004								
000014465		DIANA	M.	SMITH		14 LORUAN LN		B NORTHPORT	NY	11731
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 12/31/2004								
000014240		DONALD	J	GIROUD		101 OLIVEWOOD COURT		PORTERVILLE	CA	93257
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 12/31/2004								
000014774		DONALD	K	FINE		11 PILGRIM RD		MARBLEHEAD	MA	01945
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004								
000014392		BERNARD	I	KRASNO		930 DECIES PL		VAN NUYS	CA	91406
Current <input checked="" type="checkbox"/>	License issued: 6/22/1964	License expires: 12/31/2004								
000014605		ROBERT	M	GOSSE		24 ARLENE AVE		WILMINGTON	MA	01887
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 12/31/2004								
000014655		RICHARD	J	PINELTS		381 MAIN ST		SHREWSBURY	MA	01545
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 12/31/2004								
000014356		RICHARD	F	BOBBIN		533 BOLIVAR ST	5TH FLOOR	NEW ORLEANS	LA	70112
Current <input checked="" type="checkbox"/>	License issued: 6/22/1964	License expires: 12/31/2004								
000014243		RICHARD	V	PERISTERE		65 W CENTRAL ST		NATICK	MA	01760
Current <input checked="" type="checkbox"/>	License issued: 6/24/1967	License expires: 12/31/2004								
000014807		RICHARD	W	LEVANSAVICH		23 MANOR RD		AUBURN	MA	01501
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004								

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00011434		ROBERT		A. DAGOSTINO		345 SUMNER ST		ARLINGTON	MA	02474
Current <input checked="" type="checkbox"/>	License issued: 10/15/1963	License expires: 12/31/2004				License status: CURRENT LICENSE				
000114301		ROBERT		A. LANDRY		375 BULLKEY ST		WILLIAMSTOWN	MA	01267
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014423		ROBERT	B.	ROTHMAN		176 ARROWHEAD CIRCLE		ASHLAND	MA	01721
Current <input checked="" type="checkbox"/>	License issued: 6/22/1964	License expires: 12/31/2004				License status: CURRENT LICENSE		MIDDLETON	MA	01949
000014769		ROBERT	E.	ESPER		32 MAYTIME WAY				
Current <input checked="" type="checkbox"/>	License issued: 6/1/1967	License expires: 12/31/2004				License status: CURRENT LICENSE		PAWTUCKET	RH	02861
000014693		ROBERT	E.	WHITE		178 SLATER PARK AVE				
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 12/31/2004				License status: CURRENT LICENSE		DUXBURY	MA	02332
000014466		JOHN	F.	DELOID		109 LAUREL ST				
Current <input checked="" type="checkbox"/>	License issued: 6/21/1965	License expires: 12/31/2004				License status: CURRENT LICENSE		MANSFIELD	MA	02648
000014637		ROBERT	F.	POHOLEK		28 ANGELINA LN				
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 12/31/2004				License status: CURRENT LICENSE		CHELMSFORD	MA	01824
000014694		PHILIP	J.	WEWER		40 CLARISSA RD				
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 12/31/2004				License status: CURRENT LICENSE		BEVERLY	MA	01915
000014615		ROBERT	M.	KARLYN		14 PINE KNOLL DR				
Current <input checked="" type="checkbox"/>	License issued: 6/21/1966	License expires: 12/31/2004				License status: CURRENT LICENSE		UPTON	MA	01568
000017523		ROBERT	M.	GROTH		109 GLEN AVENUE				
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004				License status: CURRENT LICENSE		CHARLTON	MA	01507
000014760		RONALD	A.	REBELLIS		43 HOLLYWOOD DR				
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004				License status: CURRENT LICENSE		WINCHESTER	MA	01890
000014438		SIRAJ	S.	SHAMSI		145 WASHINGTON ST				
Current <input checked="" type="checkbox"/>	License issued: 6/22/1964	License expires: 12/31/2004				License status: CURRENT LICENSE		PO BOX 1144	DE	02641
000014652		SPIROS	T.	THOMAS						
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 12/31/2004				License status: CURRENT LICENSE		MEDFORD	MA	02155
000014748		THOMAS		CANTILLON		20 DIANNE RD				
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004				License status: CURRENT LICENSE		RAYNHAM	MA	02767
000014638		THOMAS	T.	MARTIN		140 CENTER ST				
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014715		VERNTA	V.	BRYANT		25 HOBART LN				
Current <input checked="" type="checkbox"/>	License issued: 10/18/1966	License expires: 12/31/2004				License status: CURRENT LICENSE		COHASSET	MA	02025

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000014549		WALTER	L.	YANBUSHKIN		29 WAKEFIELD RD	PO BOX 1275	KENNEBUNK	ME	04043
Current <input checked="" type="checkbox"/>	License issued: 6/21/1965	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014543		ROBERT	F.	STERLING		307 BLUEBERRY CIR		MIDDLEBOROUGH	MA	02346
Current <input checked="" type="checkbox"/>	License issued: 6/21/1965	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014270		LESLIE	H.	LELAND			PO BOX 417	VINEYARD HAVEN	MA	02568
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014371		WILLIAM	E.	CUMMINS		12 CANAL RUN WEST		WASH CROSSING	PA	18977
Current <input checked="" type="checkbox"/>	License issued: 6/22/1964	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014403		JOHN		YOUNG		97 ALAHELE PL		KIEHL	HI	96753
Current <input checked="" type="checkbox"/>	License issued: 6/22/1964	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014570		JOHN		Y. SZABO		TRIFLER ARMY HOSPITAL	94-4409 GARDENKIRK PL	ALEA	HI	96701
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014341		JOSEPH		PELIS		117 PLANTATION RD		HATFIELD	MA	01038
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014241		KENNETH		GOLDSTEIN		2385 SUNSET CR R		DIAMOND BAR	CA	91765
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014618		KENNETH		YAKAZORIAN		45 FAIRFIELD ST.		NEWTONVILLE	MA	02460
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 12/31/2004				License status: CURRENT LICENSE		PITTSFIELD	MA	01201
000014216		KENNETH		YACMIRE		191 WINDSOR AVE				
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014560		LARRY		Y. LABOR		1000 OLD BLAKE FARM RD		MORGAN	VT	05853
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014275		LAWRENCE	G.	YADDA		121 MASS AVE		ARLINGTON	MA	02474
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014505		RICHARD		YACMOULD		41 HILLCREST AVE		QUEENSBURY	NY	12044
Current <input checked="" type="checkbox"/>	License issued: 6/21/1965	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014374		LEON		YENOSKY		131 MILL ST		WESTWOOD	MA	02090
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014238		RICHARD	A.	GIBBONS		3038 NOBLE CT		GRAND JUNCTION	CO	81504
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014556		ULJIAN		COURT-DEMARTIN		3114 SO OCEAN BLVD	APT 103	HIGHLAND BEACH	FL	33487
Current <input checked="" type="checkbox"/>	License issued: 11/27/1965	License expires: 12/31/2004				License status: CURRENT LICENSE				

Number	Business Name	First Name	Mi	Last Name	Gen	Address1	Address2	City/Town	State	Zip
00001667		LORRAINE	A.	HALL		7 JUNIPER RD		WINDHAM	NH	03087
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014635		LOY	A.	LUTTON		510 N HIGH ST		HILLSBORO	OH	45133
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014374		MAREN		DELISI		61 MOUNTAIN ST		WOBBURN	MA	01801
Current <input checked="" type="checkbox"/>	License issued: 6/22/1964	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014288		MICHAEL	A.	MASSESE		22 GREENFIELD ST		S EASTON	MA	02375
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014698		NORMAN	A.	FLAXMAN		4000 VALLEY VIEW DR		LITTLE ROCK	AR	72212
Current <input checked="" type="checkbox"/>	License issued: 7/12/1966	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014661		PATRICIA	A.	DUFF		1 OAKLAND DRIVE		SPENCER	MA	01562
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014542		PAUL		STEC		141NW PARKWOOD CT		SPokane	WA	99218
Current <input checked="" type="checkbox"/>	License issued: 6/21/1965	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014339		PETER		LEVANGIE		28 NETTARD		DEBDHAM	MA	02026
Current <input checked="" type="checkbox"/>	License issued: 10/15/1963	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014458		JOHN	S.	CIPRIANO		830 BISHOPS COURT		BIRMINGHAM	AL	35242
Current <input checked="" type="checkbox"/>	License issued: 6/21/1965	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014842		LEO		CAIRNAGAN		11 OLD LANTERN C		PAXTON	MA	01612
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014637		JAMES DANIE		OGRADY		92 GOSS HILL ROAD		HUNTINGTON	MA	01050
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014297		GAIL PHILLIPS		BUCHER		91 SPRING VALLEY RD		BELMONT	MA	02478
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 12/31/2004				License status: CURRENT LICENSE				
000024006		GARY	F.	THOMPSON		14 HANNA RD		FRAMINGHAM	MA	01701
Current <input checked="" type="checkbox"/>	License issued: 2/22/1964	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014432		GERALD	B.	STRINGER		19 NILES RD		RANDOLPH	MA	02368
Current <input checked="" type="checkbox"/>	License issued: 6/22/1964	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014524		GERALDINE		ARAKELIAN		19 LAKE ST		SHREWSBURY	MA	01545
Current <input checked="" type="checkbox"/>	License issued: 6/21/1965	License expires: 12/31/2004				License status: CURRENT LICENSE				
000015020		GERARD		SOKOP		11 PLEASANT VIEW DR		HATFIELD	MA	01038
Current <input checked="" type="checkbox"/>	License issued: 6/13/1966	License expires: 12/31/2004				License status: CURRENT LICENSE				

Number	Business Name	First Name	Mi	Last Name	Gen	Address ¹	Address ²	City/Town	State	Zip
000014527	GRECORY	14	ROMAINE			175 WALPOLE ST		NORWOOD	MA	02062
Current <input checked="" type="checkbox"/>	License issued: 6/21/1963	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014546	HARVEY	F	TABACHICK			124 PARKER RD		NEEDHAM	MA	02494
Current <input checked="" type="checkbox"/>	License issued: 6/21/1965	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014520	HENRY	A	ARSENIAULT			182 CRANE AVE S		TAUNTON	MA	02780
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014675	JAMES	B	SMITH			14 LORDEAN LANE		E NORTHPORT	NY	11731
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 12/31/2004				License status: CURRENT LICENSE		STONEHAM	MA	02180
000014431	JOSEPH		SPAZZAFRO			5 LONGBOW RD				
Current <input checked="" type="checkbox"/>	License issued: 6/22/1964	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014513	JAMES	M	MORAN			25 LINWOOD DR		JOHNSTON	RI	02919
Current <input checked="" type="checkbox"/>	License issued: 6/21/1965	License expires: 12/31/2004				License status: CURRENT LICENSE		LEE	MA	01236
000014226	FRANCIS	X	DOWDING			35 RICHMOND AVE				
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014734	JASON	M	ABRAMS			230 EAST ASHTON STREET		BRICKTON	MA	02302
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014262	JEFFREY		TRIESMAN			15 HARDMAN RD		AMHERST	MA	01002
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014404	JEROLD	D	LURIE			100 BOATSWAIN WAY	UNIT 410	CHELSEA	MA	02150
Current <input checked="" type="checkbox"/>	License issued: 6/22/1964	License expires: 12/31/2004				License status: CURRENT LICENSE		FRAMINGHAM	MA	01702
000014291	JOAN		VIRGINIA			15 TRAPON RD				
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014309	JOHN		MCWILLIAMS			37 TIBBETT CIR		FITCHBURG	MA	01420
Current <input checked="" type="checkbox"/>	License issued: 6/21/1965	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014274	JOHN		B MACPHAIL			9 ALCNE LANE		BURLINGTON	MA	01803
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 12/31/2004				License status: CURRENT LICENSE		WAREHAM	MA	02571
000014363	JOHN	H	COLLINS			18-36 WANKINQUAH AVE				
Current <input checked="" type="checkbox"/>	License issued: 6/22/1964	License expires: 12/31/2004				License status: CURRENT LICENSE		SPRINGFIELD	MA	01109
000014360	JOSEPH	E	BRUSNICKI			616 ALDEN ST				
Current <input checked="" type="checkbox"/>	License issued: 6/22/1964	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014455	ANTHONY	C	SAMALE			988 WEST ST		PITTSFIELD	MA	01201
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004				License status: CURRENT LICENSE				

Number	Business Name	First Name	Mi	Last Name	Gen	Address1	Address2	City/Town	State	Zip
000014710		JAMES	G	POTAMIS		25 FULTON ST		WOBBURN	MA	01801
Current <input checked="" type="checkbox"/>	License issued: 9/27/1966	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014307		CLAYTON	T	SHAW		1801 TOBIN TRAIL		GARLAND	TX	75043
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014771		ANTHONY	J	EVANGELISTA		202 GROVERS AVE		WINTHROP	MA	02152
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004				License status: CURRENT LICENSE		PO BOX 237	RAYNHAM CENTER	MA 02768
000014571		ARTHUR	C	SEDELL						
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014364		ASPASIA	G S	YANIKOPOULOS		34 BUTTONWOOD LN				
Current <input checked="" type="checkbox"/>	License issued: 5/9/1966	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014447		BRADFORD	C	ADLER		31 MILAND AVE		PEABODY	MA	01960
Current <input checked="" type="checkbox"/>	License issued: 6/21/1965	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014637		BRUCE	R	MANNING		133 MADISON RD		CHELMSFORD	MA	01824
Current <input checked="" type="checkbox"/>	License issued: 6/24/1966	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014434		BURTON	J	STOCHINS		99 PINE ST		NORTHBORO	MA	01532
Current <input checked="" type="checkbox"/>	License issued: 6/22/1964	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014208		WILLIAM	F	BOORAS		59 ESSEX STREET		LYNN	MA	01902
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014622		CARL	F	KELLY		9 HERON COVE DRIVE		MERRIMACK	NH	03054
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014395		CHARLES		PACES		199 CHAPMAN PLACE		LEOMINSTER	MA	01453
Current <input checked="" type="checkbox"/>	License issued: 5/28/1963	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014196		FREDERICK	J	ABRAKEK		6132 E ANDERSON DR		SCOTTSDALE	AZ	85254
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014231		CHARLES	P	KELLY		118 82 LAWRENCE LN		BELMONT	MA	02478
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014220		FREDERICK	H	CONNELLY		1245 OLD QUEEN ANN RD		BOX 317	CHATHAM	MA 02633
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014323		DAVID	F	MCMAHON		131 FRANCETOWN RD		GREENFIELD	NH	03047
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014299		DONALD	R	PUTNEY		20 RIVERSIDE DR		N READING	MA	01864
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 12/31/2004				License status: CURRENT LICENSE				

Number	Business Name	First Name	Mi	Last Name	Gen	Address1	Address2	City/Town	State	Zip
000014960		EARLE		SEWANTZ		841 NW 71 CT		TAMARAC	FL	33321
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014247		EDWARD	A	HARTRANT		224 MID PINE RD		YARMOUTHPORT	MA	02675
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 12/31/2004				License status: CURRENT LICENSE		LAKEVILLE	MA	02347
000014217		EDWARD	F	CASEY		FOREST PARK DR				
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 12/31/2004				License status: CURRENT LICENSE		WALTHAM	MA	02452
000014383		EDWARD	K	FEEMAN		195 TEMPLE RD				
Current <input checked="" type="checkbox"/>	License issued: 6/22/1964	License expires: 12/31/2004				License status: CURRENT LICENSE		HUDSON	MA	01749
000014449		EDWARD	P	LAFLEUR		52 MASON ST				
Current <input checked="" type="checkbox"/>	License issued: 6/21/1965	License expires: 12/31/2004				License status: CURRENT LICENSE		REVERE	MA	02151
000014237		FERNANDO		GRANGREGORIO		33 CARUSO ST				
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 12/31/2004				License status: CURRENT LICENSE		LITTLETON	NH	03561
000014746		FRANCIS		JUDYNN		JR 49 LILAC LN				
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004				License status: CURRENT LICENSE		WEST ROXBURY	MA	02132
000014857		JOSEPH		MSCIEPPA		ONE DENT ST				
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004				License status: CURRENT LICENSE		HANSON	MA	02341
000014735		CHARLES		F ADAMS		1077 E WASHINGTON ST				
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014561		STEPHEN	B	SHELAISKY		59 BEEKMAN DR				
Current <input checked="" type="checkbox"/>	License issued: 1/4/1966	License expires: 12/31/2004				License status: CURRENT LICENSE		AGAWAM	MA	01001
000014814		ROBERT	M	MALONEY		10 JOYCE RD		FRAMINGHAM	MA	01701
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014641		JOSEPH		G ALAMONCA		30 WARREN ST				
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 12/31/2004				License status: CURRENT LICENSE		EVERETT	MA	02149
000014541		RONALD	S	STARAKS		41 PATON RD				
Current <input checked="" type="checkbox"/>	License issued: 6/21/1965	License expires: 12/31/2004				License status: CURRENT LICENSE		SHREWSBURY	MA	01545
000014525		RONALD		FROMER		1478 CLINTON DR				
Current <input checked="" type="checkbox"/>	License issued: 6/21/1965	License expires: 12/31/2004				License status: CURRENT LICENSE		YARDLEY	PA	19067
000014348		RONALD	E	ANDERSON		12 KNIGHT ST				
Current <input checked="" type="checkbox"/>	License issued: 6/22/1964	License expires: 12/31/2004				License status: CURRENT LICENSE		WORCESTER	MA	01605
000014305		RONALD	J	SAPORTO		34 ALLEN LANE				
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 12/31/2004				License status: CURRENT LICENSE		IPSWICH	MA	01938

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00014264	RUDOLPH W KUC				M	79 CALDEN ST		SHADLEY FALLS	MA	01075
Current <input checked="" type="checkbox"/>	License issued: 6/10/1983	License expires: 12/31/2004								
000014651	RUSSELL V PARLEE				M	19146 SW 53RD CT		TUALATIN	OR	97062
Current <input checked="" type="checkbox"/>	License issued: 6/20/1986	License expires: 12/31/2004								
000014691	SHEILA P GOLDMAN				M	62 LAURELWOOD DR		STOUGHTON	MA	02072
Current <input checked="" type="checkbox"/>	License issued: 6/20/1986	License expires: 12/31/2004								
000014876	WILLIAM J VANGELDERS				M	54 BLUEBERRY LANE		WESTWOOD	MA	02090
Current <input checked="" type="checkbox"/>	License issued: 6/26/1987	License expires: 12/31/2004								
000014970	STEPHEN A BUBER				M	164 PLEASANT ST		MARLBORO	MA	01752
Current <input checked="" type="checkbox"/>	License issued: 6/20/1986	License expires: 12/31/2004								
000014776	ROBERT L MARKIEWICZ				M	83 CROOKED LEDGE RD		SOUTHAMPTON	MA	01073
Current <input checked="" type="checkbox"/>	License issued: 6/10/1983	License expires: 12/31/2004								
000014608	STEPHEN C GARABEDIAN				M	173 LOVELL RD		WATERTOWN	MA	02472
Current <input checked="" type="checkbox"/>	License issued: 6/20/1986	License expires: 12/31/2004								
000014795	STEPHEN F KATOF				M	24 TARA DR		POMONA	NY	10970
Current <input checked="" type="checkbox"/>	License issued: 6/26/1987	License expires: 12/31/2004								
000014405	STEVEN B LURIE				M	31 MADISON ST		REVERE	MA	02151
Current <input checked="" type="checkbox"/>	License issued: 6/22/1984	License expires: 12/31/2004								
000014738	STEVEN M BAKER				M	21 TROWBRIDGE CIR		STOUGHTON	MA	02072
Current <input checked="" type="checkbox"/>	License issued: 6/26/1987	License expires: 12/31/2004								
000014702	THEODORE A BARFELD				M	653 DENNISON DR		SOUTHRIDGE	MA	01550
Current <input checked="" type="checkbox"/>	License issued: 9/27/1986	License expires: 12/31/2004								
000014521	THEODORE P PRKUTIS				M	547 CARRIAGE WOODS CT		MOBILE	AL	36618
Current <input checked="" type="checkbox"/>	License issued: 6/21/1985	License expires: 12/31/2004								
000014621	THOMAS P KELLEY				M	OFFICE FOR PHARMACY SERV		TEWKSBURY	MA	01876
Current <input checked="" type="checkbox"/>	License issued: 6/20/1986	License expires: 12/31/2004								
000014473	VINCENT J PERRERO				M	6 HEATHWOOD LANE		SCARBOROUGH	ME	04074
Current <input checked="" type="checkbox"/>	License issued: 6/21/1983	License expires: 12/31/2004								
000014312	WALTER E STOLARZ				M	PO BOX 253		METHUEN	MA	01844
Current <input checked="" type="checkbox"/>	License issued: 6/10/1983	License expires: 12/31/2004								
000014411	STANLEY F MUCHNIKOFF				M	584 MELARK DR		CARMEL	IN	46032
Current <input checked="" type="checkbox"/>	License issued: 6/22/1984	License expires: 12/31/2004								

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000014471		MACHEL	G	DEW		503 NASKETUCKET WAY		FAIRHAVEN	MA	02719
Current <input checked="" type="checkbox"/>	License issued: 6/21/1965	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014362		JOSEPH	P	BUYNISKI		57 WOODHAVEN RD		GLASTONBURY	CT	06033
Current <input checked="" type="checkbox"/>	License issued: 6/22/1964	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014557		JOSEPH	R	CHARON		106 MEADOW LANE		GREENFIELD	MA	01301
Current <input checked="" type="checkbox"/>	License issued: 6/21/1965	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014783		JUDITH	C	TSCHLER		17 AMES STREET		SHARON	MA	02067
Current <input checked="" type="checkbox"/>	License issued: 6/22/1967	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014266		LEON		LAMERE		9 MARION AVE		W. ADAMS	MA	01247
Current <input checked="" type="checkbox"/>	License issued: 6/10/1965	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014502		LEWIS	D	LEPENE		4001 N OCEAN BLVD		BOCA RATON	FL	33431
Current <input checked="" type="checkbox"/>	License issued: 6/21/1965	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014485		LLOYD	E	HARRIS		52 GORDON ST		LEOMINSTER	MA	01453
Current <input checked="" type="checkbox"/>	License issued: 6/21/1965	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014487		LOUIS	A	MBRIANO		219 LEYDEN ST		E BOSTON	MA	02128
Current <input checked="" type="checkbox"/>	License issued: 6/21/1965	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014386		MALCOLM		GERSH		2 ADAMIAN DR		N FALMOUTH	MA	02556
Current <input checked="" type="checkbox"/>	License issued: 6/22/1964	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014453		MARTIN		BERENSON		7 HUCKLEBERRY LN		SHARON	MA	02067
Current <input checked="" type="checkbox"/>	License issued: 6/21/1965	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014646		ROBERT	V	INGASTRO		14 GRANT ST		N ATTLEBORO	MA	02750
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014203		MICHAEL	D	ATHANASOULAS		14 NEWTOWNE WAY		CHELMSFORD	MA	01824
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014736		ROBERT	J	CIRILLO		116 PAPER MILL RD		WESTFIELD	MA	01085
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014255		NORMAN	T	KATZ		6501 HALSEY DR		WOODRIDGE	IL	60517
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014260		PAUL	F	MCCARTHY		14 LONGWOOD DRIVE		W. ANDOVER	MA	01810
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014374		RICHARD	A	ABUTT		40 MARLBORO RD		DEMAR	NY	12054
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 12/31/2004				License status: CURRENT LICENSE				

Number	Business Name	First Name	Mi	Last Name	Gen	Address1	Address2	City/Town	State	Zip
00001493	RICHARD	A	KATZE			27 WAREHAM ST		BOSTON	MA	02118
Current <input checked="" type="checkbox"/>	License issued: 6/21/1965	License expires: 12/31/2004				License status: CURRENT LICENSE				
00001463	RICHARD	D	CROTEAU			193 SETUCCET RD		YARMOUTHPORT	MA	02675
Current <input checked="" type="checkbox"/>	License issued: 6/21/1965	License expires: 12/31/2004				License status: CURRENT LICENSE				
00001495	RICHARD	D	KUZUMESKI			124 CEDAR ST		CLINTON	MA	01510
Current <input checked="" type="checkbox"/>	License issued: 6/21/1964	License expires: 12/31/2004				License status: CURRENT LICENSE				
00001421	RICHARD	P	MCCARTHY			8 TIMBERLINE DR		NORFOLK	MA	02056
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004				License status: CURRENT LICENSE				
00001462	ROBERT	D	KELTTER			310 WOOD SHADOW CT		MILLERSVILLE	MD	21108
Current <input checked="" type="checkbox"/>	License issued: 6/26/1966	License expires: 12/31/2004				License status: CURRENT LICENSE				
00001484	ROBERT	P	NETHERCOTE			110 HIGH STREET		SHREWSBURY	MA	01545
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004				License status: CURRENT LICENSE				
00001432	ROBERT	H	DAVIO			177 CLOVER HILL DR		FEEDING HILLS	MA	01030
Current <input checked="" type="checkbox"/>	License issued: 6/22/1964	License expires: 12/31/2004				License status: CURRENT LICENSE				
00001481	ATHOL MEMORIAL HOSPITAL	K	EVERETT	C	PARMENTER	2033 MAIN ST		ATHOL MEMORIAL HOSPITAL	MA	01331
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004				License status: CURRENT LICENSE				
00001478	BIG ROCKS INC	DANIEL	H	HAYES		123 AGNES ST		SPRINGFIELD	MA	01118
Current <input checked="" type="checkbox"/>	License issued: 6/26/1967	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014678	BROCKTON HOSPITAL	MARION	A	RAYMOND		297 MARION RD		WAREHAM	MA	02571
Current <input checked="" type="checkbox"/>	License issued: 6/26/1966	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014335	CY CERTRAL DRUG INC	VINCENT	W	A	BULOTTI	1640 BROAD ST		CENTRAL FALLS	RI	02863
Current <input checked="" type="checkbox"/>	License issued: 6/22/1964	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014267	CVS PHARMACY	PATRICIA		LAUMOTHE		119 SHEAFFER RD		CENTERVILLE	MA	02632
Current <input checked="" type="checkbox"/>	License issued: 6/10/1968	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014578	HIBERNIANA TRUST	PAUL		T	CONCERN	60 HOSPITAL RD		LEOMINSTER	MA	01453
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014223	LOUIS & CLAUDE DAIGE	LOUIS			DEMOSTHEIUS	12 CAPTAN RD		WILBRAMHAM	MA	01095
Current <input checked="" type="checkbox"/>	License issued: 6/10/1963	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014727	MASS GENERAL HOSP	TEROME		P	JANousek	531 FRANKLIN ST		DUXBURY	MA	02332
Current <input checked="" type="checkbox"/>	License issued: 5/21/1967	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014659	NORTHEASTERN UNIV	ROBERT	A	SCHATZ		TOXICOL PROGRAM		NORTHEASTERN UNIV. BOSTON	MA	02115
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 12/31/2004				License status: CURRENT LICENSE				

Number	Business Name	First Name	Mi	Last Name	Gen	Address1	Address2	City/Town	State	Zip
000014548	ST ELIZABETH'S HOSPITAL	ANTHONY	S	TOMASE		1021 LAWNDALE RD		MANSFIELD	MA	02048
Current <input checked="" type="checkbox"/>	License issued: 6/21/1965	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014387	STAT-CATE PHARMACY	NORMAN	E	GIANS		55 TURNER LANE	P.O. BOX 62	E. TEMPLETON	MA	01438
Current <input checked="" type="checkbox"/>	License issued: 6/22/1964	License expires: 12/31/2004				License status: CURRENT LICENSE				
000014662	WALGREENS PHARMACY	MILDRED	A	REED		3060 YACHT HARBOR CIRCLE	APT 102	NAPLES	FL	34112
Current <input checked="" type="checkbox"/>	License issued: 6/20/1966	License expires: 12/31/2004				License status: CURRENT LICENSE				

Total records: 386

EXHIBIT 4

Attachment I

Stilbestrol Survey for Pharmacists

1. Your name: (first, middle, last)

2. Your Address: (street, city, state, zip code)

3. Telephone Number: (____)

4. E-mail address: _____

5. During the period 1963-1967 were you a practicing retail pharmacist in Massachusetts?

Yes No

6. If yes, please state name of pharmacy _____

7. City or town where pharmacy was located: _____

8. Was the pregnancy size (5_{mg} or 25_{mg}) diethylstilbestrol stocked and dispensed at the store in the 1960s?

Yes No

(If you answered no, you have completed the survey. If yes, please continue.)

9. If a customer's prescription read "DES" "Stilbestrol" or "diethylstilbestrol" (in pregnancy sizes 5_{mg} or 25_{mg}) but no brand name was indicated, what brand would have been primarily dispensed? _____

10. If you wish to provide any further comments or information, please do so.

11. If you recall the names of the wholesaler(s) from whom the unspecified drug was ordered, please list the name(s) of the wholesaler(s) _____

(THANK YOU FOR COMPLETING THIS SURVEY)

EXHIBIT 5

HAROLD B. SPARR, R.PH., D.PH., M.S.

210 NAHANTON STREET, UNIT 121

NEWTON, MA 02459

TELEPHONE: (617)969-5322

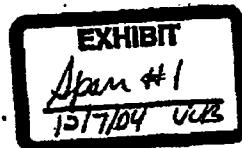
October 12, 2004

Aaron M. Levine, Esq.
Aaron M. Levine & Associates
1320 19th Street, N.W., 5th Floor
Washington, DC 20036

Dear Mr. Levine:

In accordance with your request of May 4, 2004, I have embarked upon a study, over the last four months, to determine the extent of the share of the pregnancy size (5mg & 25mg) DES Market (Stilbestrol -- Diethylstilbestrol) dispensed in the drug stores, in the Commonwealth of Massachusetts, for the 16 year period centered in 1965, i.e., 1955 to 1971. The six research areas which provide the basis of my opinion are:

1. My personal experience as a retail practicing pharmacist dispensing DES and teacher of pharmacy in Massachusetts over the last forty-nine years, including my experience as president of the Massachusetts Board of Registration in Pharmacy and my presidency of the Massachusetts College of Pharmacy Alumni Association.
2. Personal conversations, research and investigations, wherein I have contacted hundreds of Massachusetts pharmacists who were practicing retail pharmacy during the period of time under investigation.
3. A review of approximately 200 sworn, randomly collected Statements obtained by your office and by me over the last few years, of the recollection of over 200 retail Massachusetts pharmacists who were practicing in the period under review, including the deposition testimony and sworn statements of a wholesale pharmacist and discussions with wholesalers, as well as the dozens of actual prescriptions for DES we were able to find.
4. A literature search of the pertinent pharmacy and retail pharmaceutical literature covering the period under examination; and



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5. A study employing standard survey and accepted academic bio-statistical analysis conforming to proper questionnaire, reporting and analysis practices, with the assistance of professional survey personnel.
6. A review of the Massachusetts retail drug store practices and DES marketing environment over the period 1954 to 1971, to determine year to year consistency, in order to determine if the practices were stable during the period under review, statewide, including:
 - a. Economic factors;
 - b. Social and cultural factors;
 - c. Competitive factors;
 - d. Technological change;
 - e. Government and legal factors;
 - f. Communication within the retail pharmacy industry;
 - g. Disease incidences;
 - h. Distribution of goods and services;
 - i. Demographic factors;
 - j. Physician prescribing habits;
 - k. Wholesaler and manufacturer services, distribution, support and literature;
 - l. Pharmacist education;
 - m. Packaging and delivery of pharmaceuticals;
 - n. Year to year innovation;
 - o. Medical indications;
 - p. Marketing and sales practice and demand;
 - q. Deletion and addition to drug popularity;
 - r. Product life cycle and shelf life;
 - s. Prescriber motivation and prescribing habits;
 - t. New drug promotion – old drug withdrawal;
 - u. Sources of information to the retail pharmacist;
 - v. Pharmaceutical product development and popularization;
 - w. F.D.A. involvement;
 - x. Market characteristics;
 - y. Generics v. brand names; and
 - z. Stability of the marketplace;

In conducting the survey, I took into consideration the market, product availability, diversification and specialization. I looked at the topics from the standpoint of the manufacturer, the wholesaler and the retailer. I considered competition in the retail pharmaceutical industry,

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price determination, advertising, detailing and other forms of promotion, as well as staffing, acquisition of businesses, brand image, detailing, promotion, regulations, publications, professional standards, attitudes, nature of drug store and retail pharmacy practices, such as independence, traditional goods, sales and discounts, consumer attitudes, competition, promotion and pharmacy ethical and professional responsibilities during the '50s and '60s. I also investigated and researched prescription habits, record keeping, product variation, wholesaler to retailer supply systems, trademark and generic names, hospital verses retail operations, stocking and dispensing practices and sales and sales record keeping.

Virtually the only body of information I did not have access to was the Lilly Digest, which was a compilation published annually by Eli Lilly during that period, which covered such topics as average volume, prescription charges, costs of goods sold, expenses, new prescriptions, refills and advertising at the retail level. I understand this research is included in the Lilly Digest, which the Company has been requested to open but has not seen fit to share with us.

My qualifications for this survey are:

I began my career in retail pharmacy in 1944, as a clerk and stock boy in my father's retail pharmacy, Sparr's Drug Store, Inc., which was across the street from the Boston Lying-In Hospital and adjacent to the Harvard Medical School and the Harvard School of Public Health. As you know, DES was popular in Massachusetts, as the Smith's and other promoters lived there through the Lilly detailmen, Jason Goldsmith and Harry Fine and Louis Bromberg.

From the age of 10 until I was 17, I was a stock boy, pharmacist's assistant and would unpack orders and stock the shelves from the drug wholesalers. In 1951 at the age of 17, I became a pharmacy student at Massachusetts College of Pharmacy and Health Sciences but continued to work in the store 20 or 30 hours a week as I had for the prior seven years. While in pharmacy school, I continued to work at the store part-time as an apprentice pharmacist from the years 1951 to 1955 and thereafter, engaged in the field of pharmacy continuously and exclusively until the present, except for two years of military service as a pharmacist. I hold a Bachelor of Science Degree in Pharmacy from the Massachusetts College of Pharmacy and I am registered in Massachusetts, New York and California. I hold a Masters in Health Care Management from Pacific Western University.

My employment in the field of pharmacy has given me the opportunity to observe the retail stocking of drugs primarily because of the store's proximity to the Boston Lying-In Hospital (where DES prescribing obstetricians were located), and therefore am conversant with the manner and method of prescription of DES in the 1950s and 1960s by those obstetricians in the Boston area who popularized this drug. Boston Lying-In Hospital was the main Obstetrics

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hospital in Boston in the 1950s and 1960s as it was the Harvard teaching hospital where Smith and Smith popularized Stilbestrol for the use in preventing accidents of pregnancy.

During the 1950s and 1960s, I maintained close relationships with Lilly detailmen, and Gilman & McKesson wholesalers and actually and frequently ordered, stocked and dispensed DES. As a practicing pharmacist and active participant in pharmacy affairs, I was conversant with other pharmacists in the Boston area. At this time I had the opportunity to fill prescriptions for Stilbestrol and am familiar with the physician prescribing habits, pharmacy standard of care, usual and routine pharmaceutical brands dispensing and stocking.

Personal familiarity with DES stocking and Dispensing:

I am familiar with Diethylstilbestrol, also known as DES and Stilbestrol, as a hormone used in pregnancy. I filled on the average of three or four prescriptions a week for DES starting in the late 1950s, I have seen it on the shelves in many other pharmacies since 1951. I knew it was indicated for prevention of miscarriage, among other uses, and I knew it came in different strengths from .1 mg to 25 mg and in white uncoated tablets as well as red-coated pills. Diethylstilbestrol was the only popular oral hormone medication given in the 1950s and 1960s to pregnant women. In the Boston area it was the drug of choice and the standard treatment for pregnant women and the only popular oral medication regularly used for this purpose. I am familiar with the Lilly publication "De Re Medica" that was sent to the physicians of America, which advocates DES as the best medication for avoiding miscarriage. I know that physicians in Massachusetts received this Lilly publication as well as P.D.R. and the other publications.

The consistency of DES marketing 1955 to 1971:

I have reviewed the commercial DES literature including PDR, Red Book, Blue Book, manufacturer brochures, and U.S. Pharmacopoeia from the 1950s and 1960s. I have also reviewed Lilly publications in general from the 1950s and 1960s, such as field reference manuals, product labeling, inserts, product brochures, Title and Till and other Lilly publications regarding competitive pharmaceutical manufacturers. I have reviewed a host of literature as set forth in Exhibit 6 and consulted additional texts set forth therein. I was familiar with this material in the 1950s, 1960s and 1970s. From these readings as well as my observations of the practice of pharmacy, I observed the changes occurring in the marketing, ordering, stocking and dispensing of retail pharmaceuticals over the last half century, with special focus on DES. These practices have remained relatively stable during the last 1950s and 1960s. In addition to those text and journals attached as Exhibit 6 and the Lilly publications attached as Exhibits 12, 13, 14 and 16, I have reviewed other documentation concerns with DES marketshare including:

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- 1) The Survey is trustworthy and based on a well grounded sampling, considering the passage of time from the event we are considering.
- 2) Hearsay and memory risks were satisfactorily minimized.
- 3) The numbers of adequate responders was properly surveyed to obtain a representative sample.
- 4) The Questionnaire contained clear, precise and non-leading questions which were answered appropriately consistent with the sources of information.
- 5) The responders had no knowledge of the litigation nor could they have been influenced or sympathetic to any individual or company.
- 6) The mailings, returns and collating were protected, as well as the security and impartiality of the survey.
- 7) Statistical analysis was in accordance with accepted and standard epidemiological procedures.
- 8) Neither you nor anyone else engaged in such litigation nor any of the claimants have played any role in the design or conduct of this survey nor my conclusions.

Conclusions:

Based on my review of the literature, my experience, my discussions with other pharmacists and all the research and the investigation set forth above, it is my opinion to a reasonable degree of pharmaceutical and statistical certainty that Dr. Vanderschmidt's conclusion that Lilly's share of the DES market, in the pregnancy sizes, was 90% is conservative. From my standpoint, I would conclude that the following proportions are a more precise exact and realistic share of the market, as follows:

1. Lilly - 94%;
2. Squibb - 2%;
3. Assuming that the New York and California matrices are correct, Parke Davis, Brewer, Upjohn, Merck, Premo, and the other brands listed on these matrices, comprise the remaining 4% of the market.

Attached as Exhibit 19, is a listing of assorted synthetic estrogens or DES-like drugs on the market in the fifties and sixties. I understand there are some contentions made that DES

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(Diethylstilbestrol) was not the only or not the most popular synthetic estrogen in use for prevention of the accidents of pregnancy.

In all the research above, the hundreds of pharmacists and doctors with whom this topic has been discussed was never any mention to any of the products listed on exhibit 19, other than DES (Diethylstilbestrol) in the Commonwealth of Massachusetts. I am familiar with DES but experienced that Stilbestrol was the only synthetic estrogen product prescribed or dispensed.

Additionally, I am informed that a contention has been made that there may have been non-Lilly brands of DES which were white and cross-scored. I have reviewed the P.D.R., Red and Blue Books and volumes of photographs of DES products. From my experience, personal familiarity with these products, a review of the literature, I can state with absolute certainty that the only popular DES product which appeared round, white and cross-scored, about the size of an aspirin without any other imprint or logo, as in Exhibit 11, was the Lilly DES 25_{mg} product.

I declare, under the penalty of perjury, that the foregoing statement is true and correct, based upon my personal knowledge of the facts set forth.

10/17/04
Date

Harold B. Sparr
Harold B. Sparr, R.P.H., M.S.

WITNESS:

R. H. C. Schaefer

EXHIBIT 6

**George Friedman, RPh.
274 Walnut Street
Braintree, Ma. 02184**

December 5, 2003

Dear George,

I am currently working as a Pharmacy Consultant for Diethylstilbestrol injured patients. There were many mothers who were prescribed D.E.S. for their pregnancies. One such case exists from a patient, who had such prescriptions filled in the Weymouth area. The current lawsuits involve the Liability Insurance Company who insured Eli Lilly & Co. There isn't any liability for pharmacists or pharmacies.

I have been told that you operated a "Liggett Rexall" Pharmacy on Washington Street, Weymouth Landing. The individual's mother, Marie Lynch, who was a patient of a Dr. McKeough, recalls having the prescription filled in that drug store. This occurred in 1968 (35 years ago). I would greatly appreciate any light you could shed on this situation.

I also understand you have retired and hope you are well. Please contact me via e-mail – h.sparr @comcast.net, phone 617-969-5322 or mail at 210 Nahanton Street, Unit #121, Newton, Ma. 02459

Professionally yours,

Harold B. Sparr, R.Ph.

